

COUNCIL MEETING

MAY 17, 2017

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, May 17, 2017 at 8:32 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa (*not present at 3:35 p.m.*)
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Yukimura, and unanimously carried.

Council Chair Rapozo: Just for your information, today at 1:30 p.m., we obviously will have our public hearings; at 1:45 p.m., we will have a certificate for National Police Week; and that will be followed by our Public Access, Open Space, Natural Resources Preservation Fund Commission items. So that is time specific. Next, please.

MINUTES of the following meeting of the Council:

April 12, 2017 Council Meeting

Councilmember Kagawa moved to approve the Minutes as circulated, seconded by Councilmember Brun, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

INTERVIEW:

CHARTER REVIEW COMMISSION:

- Rose Ramos-Benzel – Term ending 12/31/2019

Council Chair Rapozo: Ms. Ramos-Benzel, if you could take the seat please. You are being nominated for a position on the Charter Review Commission. Take a few minutes to introduce yourself and give us a little background, and then we will have questions from the Councilmembers.

ROSE RAMOS-BENZEL: Good morning. My name is Rose Ramos-Benzel, and I am the Director of Development for the University of Hawai'i Foundation at Kaua'i Community College. This is the second time I have lived on Kaua'i. I lived here the first time from 1987 to 1997. I had my own marketing company. I was really involved with the community. I was co-chair of the Charity Walk for two (2) years, and a lot of my clients included the Kaua'i Marriott, the Outrigger Kaua'i, at the time. That is how I knew Jay Furfaro. I was the first Administrator Coordinator for the Hawai'i Hotel Association. The Contractor's Association was also as my client. I was real involved in the community and I really come from a service heart. I want to continue to be involved with the community. My job at the college with raising money for the college also allows me to serve as well.

Council Chair Rapozo: Thank you very much. Are there any questions? Councilmember Yukimura.

Councilmember Yukimura: Good morning, Rose.

Ms. Ramos-Benzel: Good morning, Councilmember Yukimura.

Councilmember Yukimura: Thank you for your willingness to serve.

Ms. Ramos-Benzel: Yes.

Councilmember Yukimura: I noticed in your application, you did not mention what the primary duties of the Charter Review Commission were. I wondered if you understand them, partly because I know Mr. Furfaro has been out. So I do not know how much orientation you were able to get.

Ms. Ramos-Benzel: I was not able to get a lot, but I know it is a very important Commission, and quite honestly, I am a little nervous about serving. I do need to know a little bit more about it.

Councilmember Yukimura: Yes. The Charter says that the Charter Review Commission is composed of seven (7) members, serve in accordance with the Charter to study and review the operations of County government under the Charter. In the event the Commission deems changes are necessary or desirable, the Commission may propose amendments to the existing Charter or draft an entirely new Charter, which shall be submitted to the County Clerk. That is basically...

Ms. Ramos-Benzel: I do have that general understanding, and I do understand it is a very important Commission and to be involved with it. I am sure it is going to be faced with some difficult decisions. But for me, I like to be very thorough and I like to really investigate all options before making a decision.

Councilmember Yukimura: Well, that is very good because we recently passed some Charter Amendments that was in the last election. I think there is a

question in some of our minds whether the provisions were really vetted and investigated before they were put on the ballot.

(Councilmember Kagawa was noted as not present.)

Councilmember Yukimura: So if that is the kind of attitude you are bringing to the Commission, I think that would be very good and helpful.

Ms. Ramos-Benzel: Thank you. That is just my nature. I do not make decisions lightly in a sense. I just like to know all of the options and all of the information as well. I ask a lot of questions, too, just so that I have clarity of understanding.

Councilmember Yukimura: I think that is a very good way of making decisions, especially because the Charter is like the Constitution is to our Country, the Charter is to the island. You do not want to make whimsical or un-vetted choices and changes. Thank you very much.

Ms. Ramos-Benzel: Thank you. On the other note too, though, I am also very open as well, and I have always been a team player. So as far as working with the other members on the Commission, I will definitely be a good team player.

Councilmember Yukimura: Thank you.

Ms. Ramos-Benzel: Thank you.

Council Chair Rapozo: Are there any other questions? I just have one (1). I am sorry if Councilmember Yukimura asked this, but were you approached to serve on this Commission or did you request to serve on this Commission?

Ms. Ramos-Benzel: I was approached actually. Jay asked me to serve.

Council Chair Rapozo: On this specific Commission?

Ms. Ramos-Benzel: On this one. He actually asked me if I was interested in serving on any Commission, but he specifically requested this one for me, which is was kind of surprised just because I know it is a little bit of a daunting task to me, because I know the importance of it and not being that familiar with the Charter. But yes, he asked me if I would serve on this Commission.

Council Chair Rapozo: Are there any other questions?
Councilmember Brun.

Councilmember Brun: I guess the question is do you want to serve on the Charter Review Commission?

Ms. Ramos-Benzel: I am scared, honestly. I am honored to be asked and I would love to serve. I am just nervous about it.

Councilmember Brun: Do you think another Commission would be more up your strengths that you would want to do something else instead of this?

Ms. Ramos-Benzel: I am kind of open to everything. I mean, I think with this particular Commission again, it is very important. I would feel very honored to serve on it and to have a voice.

Councilmember Brun: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? If not, Paula is sitting in the audience. I guess there is concern because it is a very critical Commission.

Ms. Ramos-Benzel: I agree.

Council Chair Rapozo: I guess one would hope that when you were presented the opportunity, that maybe there were several options, you go to read the duties, and then pick one that you feel comfortable in. I appreciate everyone wanting to serve, but know there are a bunch of vacancies on Commissions, quite a few. Today is just the interview process.

Ms. Ramos-Benzel: Yes.

Council Chair Rapozo: Maybe you can chat or Paula is listening to this.

Ms. Ramos-Benzel: Perfect.

Council Chair Rapozo: Maybe ether is a better fit for you, personally.

Ms. Ramos-Benzel: Possibly.

Council Chair Rapozo: I appreciate your honesty. I really do, because this is a very critical Commission.

Ms. Ramos-Benzel: It is, and I know that.

Council Chair Rapozo: I appreciate you being very open with us. We do want to put you in the right spot that you can serve comfortably.

Ms. Ramos-Benzel: Yes, I agree.

Council Chair Rapozo: No decision will be made today anyway. I would suggest maybe getting together with Paula.

Ms. Ramos-Benzel: Wonderful. Thank you so much.

Council Chair Rapozo: Thank you very much.

Ms. Ramos-Benzel: Have a great day. *Aloha.*

Councilmember Brun: Thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Okay. With that, next item, please.

(Councilmember Kagawa was noted as present.)

CONSENT CALENDAR:

C 2017-112 Communication (04/04/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Wyatt B. Angelo to the Charter Review Commission – Term ending 12/31/2019.

C 2017-113 Communication (04/13/2017) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking Zones Along A Portion Of Ho‘onani Road, And Repealing Existing Parking Restrictions Along Ho‘onani Road, Kōloa District, County Of Kaua‘i, to prohibit parking near Sheraton Kaua‘i Resort’s loading dock and an existing walkway and service ramp.

C 2017-114 Communication (04/25/2017) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal relating to the funding for “Public Services – Nāmāhoe Leadership Voyaging Program (Leadership Kaua‘i)” in the amount of \$35,000, which is part of the funding appropriated in Resolution No. 2017-33, Resolution Authorizing The Filing Of The Kaua‘i County 2017 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended, as he will potentially be contracted by Leadership Kaua‘i.

C 2017-115 Communication (04/26/2017) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of March 31, 2017, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2016-2017.

C 2017-116 Communication (04/27/2017) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council approval, the Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the term starting July 1, 2017, pursuant to Section 5C of the Bylaws of the Hawai‘i State Association of Counties, Inc.

C 2017-117 Communication (04/28/2017) from the Director of Human Resources, transmitting for Council information, the May 1, 2017 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2016-812, relating to the

Operating Budget of the County of Kaua'i for the Fiscal Year 2016-2017, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of March 16, 2017 to May 1, 2017.

Council Chair Rapozo: Can I get a motion to receive, please?

Councilmember Brun moved to receive C 2017-112, C 2017-113, C 2017-114, C 2017-115, C 2017-116, and C 2017-117 for the record, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there any discussion? Is there any public testimony on any of the items on the Consent Calendar?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2017-112, C 2017-113, C 2017-114, C 2017-115, C 2017-116, and C 2017-117 for the record was then put, and unanimously carried.

Council Chair Rapozo: At this time, I am going to ask for your indulgence. Kako is here. She cannot stay long. She would like to testify on one of the Public Access, Open Space and Natural Resources Preservation Fund items, which will not be taken up until this afternoon. So if there are no objections, I will suspend the rules at this time, and we will take testimony from you, Kako, because I know you cannot stay. Are there any objections? Thank you. I will suspended the rules.

There being no objections, the rules were suspended to take public testimony.

Councilmember Kagawa: Council Chair Rapozo?

Council Chair Rapozo: Yes.

Councilmember Kagawa: Which item number is this?

Council Chair Rapozo: She is going to be testifying on the Kekaha Public Access, Open Space and Natural Resources Preservation Fund Proposed Draft Bill.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Which is Proposed Draft Bill (No. 2653), I believe.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair Rapozo, that would be Proposed Draft Bill (No. 2653) and Proposed Draft Bill (No. 2654).

Council Chair Rapozo: Okay. If you could just start by starting your name, and then you can proceed.

There being no objections, Proposed Draft Bill (No. 2653) and Proposed Draft Bill (No. 2654) were taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2653) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*)

Proposed Draft Bill (No. 2654) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-813, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*)

DOROTHEA HAYASHI: Thank you. Dorothea Hayashi, resident of Hanalei. Good morning, Council Chair Rapozo and Councilmembers. Today, before you, you have two (2) communications from the Public Access, Open Space and Natural Resources Preservation Fund Commission; one from Hanalei, C 2017-122 and the other from Kekaha, C 2017-123. The Communication from Hanalei reflected the desires of the residents of Hanalei, which is what I gleaned off of the testimony that we received. They gathered their information on this beachfront property, which at time, was on the open market. They ceased that opportunity at that time. They gathered all of the documents that they could and presented it to the Public Access, Open Space and Natural Resources Preservation Fund Commission. However, what happened is what I wanted to convey. If I was a private citizen, I could have just gone to the realtor and put in my request that I was interested in this property. However, with the Public Access, Open Space and Natural Resources Preservation Fund Commission, because we have our meetings only once a month and this was a critical time. I am not sure if we still have the opportunity to purchase the property, which was valued...I am sure you have the papers. It was devalued, and the opportunity was there to purchase it at a reasonable price, but like I said I am not sure if we still have the opportunity at this time.

On the other hand, we have this Kekaha parcel, which they were a willing landowner. This is a big landowner. They, how shall I say it? They approached us and this is a historical site because we have a Chinese cemetery on it, and adjacent to it, a Japanese cemetery. The Japanese cemetery is already one of the County's properties, but the Chinese cemetery is still private. In my mind, and I am not here as a Commissioner speaking, but I am in a way. I do not know how to put it, but what kind of was clouding the sense was that we would have to purchase this adjacent property from the landowner in order to receive the Chinese cemetery. So, it was kind of like, how shall I say it? Does it sound like a deal that we would like to have or not? I know that the Chinese cemetery is very important to the residents of Kekaha. They said that no matter what happens, they will continue to honor their ancestral grave sites and they are going to upkeep it. This was a lesson for myself, that really, these properties that our ancestors are buried on is historically vital. It is something that we should always be aware of and help to preserve, so that future generations know that many gravesites were moved; they should be allowed to rest where they are. So the decision is up to the Council, but you also have a letter from the Chinese Society that is now taking care of that area. So the decision is in your hands. Thank you very much for letting me come and voice my opinion. Thank you very much.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead. Kako, we have a question.

Councilmember Yukimura: Good morning, Kako.

Ms. Hayashi: Good morning.

Councilmember Yukimura: How many parcels are there? In Kekaha, are there two (2) parcels?

Ms. Hayashi: That part, you are going to have to research for yourself because all I know is that they want to sell this one (1) particular parcel and then they will donate the Chinese parcel.

Councilmember Yukimura: Okay. You in favor of the Chinese parcel, but our questioning whether we should get the bigger parcel, is that what it is?

Ms. Hayashi: Yes, because of liability and as the County, can we support such a huge open space area? It would be lovely if we could, but at this time with all of the erosion...I know that when we visited that area, they were replenishing the sand. So that part, I am not an expert at and I cannot answer. But it was something that I was concerned about, the erosion that is happening in that area. There are a lot of *iwi* there. I recently talked to a person there and they said they were digging for cesspool, and they found *iwi*, and had to call the society.

Councilmember Yukimura: Do you know whether an appraisal has been done?

Ms. Hayashi: Yes.

Council Chair Rapozo: We will ask the Administration that.

Ms. Hayashi: Yes, they have.

Council Chair Rapozo: It is not for Kako.

Councilmember Yukimura: She is a...

Council Chair Rapozo: It is not for Kako, Councilmember Yukimura.

Councilmember Yukimura: I am sorry.

Council Chair Rapozo: No, I am sorry. She is not the Administration.

Ms. Hayashi: I am only speaking on what I know.

Council Chair Rapozo: We will have a presentation from the Administration, which is when those technical questions can be asked. She is up here testifying as a citizen. I allowed the question because she is a great resource, but those questions are for the Administration. I am sorry.

Ms. Hayashi: Okay. Thank you.

Council Chair Rapozo: If you read in the packet, it is very clear.

Councilmember Yukimura: I do not see any appraisal.

Council Chair Rapozo: You will not see the appraisal, but you will see the report. With that...

Councilmember Yukimura: I did not see any report of an appraisal.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: We can proceed with the agenda.

Councilmember Yukimura: I think it was a legitimate question, Council Chair Rapozo.

COMMUNICATIONS:

C 2017-118 Communication (04/13/2017) from the Chief of Police, requesting Council approval to apply for, accept, and expend Federal funds in the amount of \$748,250.00, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following traffic related functions: data traffic records, distracted driver, occupant protection, pedestrian, road block, speed, youth deterrence, traffic services, purchase of equipment, supplies, training, travel expenses, media expenses, et cetera, and the purchase of two (2)

unmarked patrol vehicles for impaired driver enforcement: Councilmember Kagawa moved to approve C 2017-118, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I do.

Council Chair Rapozo: I am sorry.

Councilmember Yukimura: I have some questions.

There being no objections, the rules were suspended.

Council Chair Rapozo: Can we have the Police Department?

JON I. TAKAMURA, Lieutenant: Good morning. Lieutenant Takamura, Kaua'i Police Department, Traffic Safety Section.

Councilmember Yukimura: Good morning, Lieutenant.

Mr. Takamura: Good morning.

Councilmember Yukimura: The amount seven hundred forty-eight thousand dollars (\$748,000).

Mr. Takamura: Correct.

Councilmember Yukimura: And you are not just using that for the purchase of patrol vehicles, but I see eight (8) objectives under the grant.

Mr. Takamura: Right.

Councilmember Yukimura: One of the objectives is youth deterrence. The objective is to fund overtime for officers to conduct underage alcohol and drug enforcement.

Mr. Takamura: Correct.

Councilmember Yukimura: I just wondered how much of the grant money will be going to that.

Mr. Takamura: That is forty thousand dollars (\$40,000).

Councilmember Yukimura: Forty thousand dollars (\$40,000)?

Mr. Takamura: Correct.

Councilmember Yukimura: So you actually have a breakdown of how much is going to each objective?

Mr. Takamura: Yes.

Councilmember Yukimura: Can you provide that?

Mr. Takamura: Sure.

Councilmember Yukimura: Okay. Then, do you report on the results of the use of this money?

Mr. Takamura: To the grant, yes. It is a grant report.

Councilmember Yukimura: As part of the conclusion of a grant?

Mr. Takamura: Yes.

Councilmember Yukimura: Oh, okay. Could you provide the report for last year?

Mr. Takamura: Sure.

Councilmember Yukimura: Because this is a recurring grant, right?

Mr. Takamura: This is.

Councilmember Yukimura: So, a report and I presume it reports on each objective that you have used money for.

Mr. Takamura: Correct.

Councilmember Yukimura: If you could provide that...

Mr. Takamura: It is not a problem.

Councilmember Yukimura: ...I would be very interested. I commend you for working on alcohol, drug deterrence, and underage drinking because that is a serious problem, and sometimes costs lives. Thank you very much.

Mr. Takamura: No problem.

Council Chair Rapozo: Are there any other questions? Seeing none, that you very much.

Mr. Takamura: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? The motion is to approve.

The motion to approve C 2017-118 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-119 Communication (04/17/2017) from the Housing Director, requesting Council approval to expend and indemnify the 2015 HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funds, in the amount of \$366,478.00, offered by the Hawai'i Housing Finance and Development Corporation (HHFCD), which is a fifteen percent (15%) HOME set-aside requirement for each HOME allocation, reserved for a CHDO engaging in HOME-eligible activities: Councilmember Chock moved to approve C 2017-119, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony. There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2017-119 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-120 Communication (04/20/2017) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Fire Fighters Association (HFFA) Bargaining Unit 11 for the period July 1, 2017 and June 30, 2019 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter: Councilmember Kaneshiro moved to receive C 2017-120 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. The Bill will be coming up later today. Is there any discussion? Councilmember Kagawa and then Councilmember Yukimura.

Councilmember Kagawa: I hope that as we go through the public hearing the Committee process, that we can perhaps have Janine do a presentation on the total impact of the Fire proposed settlement. We had a twenty (20) year analysis that I asked for in comparison to all of the other Units; Hawai'i Government Employees Association (HGEA) and United Public Workers (UPW). I also wanted Hawai'i State Teachers Association (HSTA) to be included. We saw the differences. I think it is only prudent that at the Committee Meeting, we present to the public

what the new raises are proposed to be because the public is the one that pays for the generous pay raises that are before us. I think it is only fair that if we approve it or disapprove it, that the public knows what we were dealing with, what were the numbers, and what the future is like as far as our obligations for pay raises. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I concur with what Councilmember Kagawa is saying. I do have some questions today, so I would like to ask that our Director of Human Resources be present when the Bill comes up.

Council Chair Rapozo: Staff, if you could make that request. I believe it is important that we have the questions asked before the public hearing, because I think it is important that the public gets to hear any and all concerns. I am sure Janine can answer later when the Bill comes up, but in the awarded that was provided by David Gaba, I guess he is the arbitrator. William Puette, who is the Union's arbitrator, he dissented the award. It is very interesting. The employers' member, the people that we hired to help, concurred. So, let her know that I will be asking on those questions as far as explain that process to us. What happens when we have a dissenting party?

Councilmember Brun: She is here.

Council Chair Rapozo: Councilmember Brun and then Councilmember Chock.

Councilmember Brun: No, Janine came in.

Council Chair Rapozo: Oh. Do you know what? You are here. Just come on up. I will suspend the rules.

There being no objections, the rules were suspended.

Councilmember Yukimura: I did not see her.

Councilmember Brun: She just walked in.

Council Chair Rapozo: I am not sure if you are going to be here to answer all of the questions as far as the actual numbers, but we will start with Councilmember Kagawa.

Councilmember Kagawa: Thank you, Janine. If you can just go over what the basic terms of the proposed settlement are. What percent for how many years for the pay increase, and for me, I want to know is this rank-for-rank included in the pay raise, or is the rank-for-rank going to continue to be an addition to the pay raise. I believe when I totaled my numbers, the rank-for-rank for this fiscal year totaled about one million five hundred thousand dollars (\$1,500,000). I believe that the one million five hundred thousand dollars (\$1,500,000) or the rank-for-rank was

in addition to the four percent (4%) or five percent (5%) that was given for the previous four (4) years. So it actually ended up to be near a twenty-four percent (24%) pay increase over the previous four (4) years, which I believe was much too generous four (4) years ago.

JANINE M.Z. RAPOZO, Director of Human Resources: Good morning. Janine Rapozo, Director of Human resources. This arbitration award that came through for the Hawai'i Fire Fighters Association was for a two (2) year duration. The first year's raise was two percent (2%) across the board over what the current salary scale was. It also included continuation of step movements in the particular salary scale. In the second year, July 1, 2018, the across the board increase was two point two five percent (2.25%) and continuation of step movement. The Administration is estimating that for the first year, the additional cost to what is already in place would be an additional three hundred eighty-three thousand two hundred twenty-one dollars (\$383,221). For the second year given that we are going to be compounding the raises, the increase will be one million three hundred fifty-five thousand three hundred twenty-eight dollars (\$1,355,328).

Councilmember Kagawa: Okay.

Ms. Rapozo: All of the terms of the current contract are still in place. So your question regarding rank-for-rank is that it is still there.

Councilmember Kagawa: So it will be an addition to this?

Ms. Rapozo: This is an addition to everything that is already in the current contract.

Councilmember Kagawa: When the rank-for-rank was adopted four (4) years ago, does it stay in or is it up for consideration again as we consider this contract?

Ms. Rapozo: When we considered this contract when we were in the negotiation phase, everything is on the table and the employer puts forth proposals and the Union puts forth proposals. When we went into arbitration, there were some articles that were still open and at the end of the day when an award had to be made, we were down to just wages and duration at that point.

Councilmember Kagawa: So it is kind of like if it was adopted four (4) years ago, it becomes an assumption that it is already in?

Ms. Rapozo: Unless either side proposes to change it one way of the other.

Councilmember Kagawa: Okay. Alright, thank you. My last question was that the first year, you are saying that it is going to go up roughly four hundred thousand dollars (\$400,000)?

Ms. Rapozo: Yes.

Councilmember Kagawa: I know it is compounding, but you would think because the percentages are a little bit up, but from the first year it goes up and additional eight hundred thousand dollars (\$800,000).

Ms. Rapozo: Yes. So what...

Councilmember Kagawa: Four hundred thousand dollars (\$400,000) to one million three hundred thousand dollars (\$1,300,000), so that is nine hundred fifty thousand dollars (\$950,000) in addition compounding.

(Councilmember Kawakami was noted as not present.)

Councilmember Kagawa: It is kind of high with a point two five percent (0.25%) increase, but is that because it is compounding?

Ms. Rapozo: Yes. Actually, after the first year, the two point two five percent (2.25%) is going to be taken off the new raises already, the two percent (2%) that already went in.

Councilmember Kagawa: So the two percent (2%) is going to go to four percent (4%)?

Ms. Rapozo: Well, I think what it comes is at the end of the day, the contract is worth almost an eight percent (8%) increase over the whole year. I think that was announced for a different unit that settled, but it is basically two percent (2%) every year. The teachers' was announced thirteen percent (13%), but it is really two percent (2%) a year or two point two five percent (2.25%).

Councilmember Kagawa: So the teachers went with a four (4) year of thirteen point whatever percent increase, right?

Ms. Rapozo: Yes.

Councilmember Kagawa: Thirteen percent (13%) over four (4) years, and then Fire went for a two (2) year contract instead?

Ms. Rapozo: Yes, that is all we were able to get.

Councilmember Kagawa: Two (2) year contract instead?

Ms. Rapozo: Yes.

Councilmember Kagawa: So they did not want to follow the teachers and go with a four (4) year type of contract?

Ms. Rapozo: We could not get that approved, the four (4) years.

Councilmember Kagawa: So the four (4) year was not agreed upon, and so we went with the two (2) year option?

Ms. Rapozo: Yes. It was still up to the arbitrator to decide whether he wanted to go with a two (2) year or four (4) year, and he came out in his award with a two (2) year contract.

Councilmember Kagawa: I do not know if Mauna Kea is going to stop us, but I know the State has the same amount of votes as the Counties.

Ms. Rapozo: They actually have more. They have four (4).

Councilmember Kagawa: Oh, they have more votes than the Counties?

Ms. Rapozo: Than each County. Each County has one (1) vote.

Councilmember Kagawa: So how much votes total? Nine (9)?

Ms. Rapozo: Well, four (4) plus four (4), so eight (8).

Councilmember Kagawa: Eight (8) votes total. Counties control four (4) votes, the State controls four (4) votes, and the State has zero (0) firefighters under their payroll?

Ms. Rapozo: No, they have some firefighters at the airport.

Councilmember Kagawa: The airport firefighters are paid on the same scale as the County firefighters?

Ms. Rapozo: Yes.

Councilmember Kagawa: Okay. So they have State firefighters?

Ms. Rapozo: Not a lot, but they have some.

Councilmember Kagawa: So not a lot, we have way more, but then they have equal amount of votes?

Ms. Rapozo: Yes.

Councilmember Kagawa: Again, that kind of just rubs me the wrong way because we are the ones paying the bill, yet we get an equal amount of votes as the State. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Janine, I have a question. The Union members' arbitrator dissented. What part of this did he dissent? What part of this did he disagree with? Did he want more money?

Ms. Rapozo:
percent (4%) each year.

Yes. Initially, their proposal was four

Council Chair Rapozo:

Right.

Ms. Rapozo: And when we were getting down to the end of the arbitration, they were looking at two percent (2%) and three percent (3%).

Council Chair Rapozo:

So he could not...

Ms. Rapozo: Correct. He was not in agreement with the two percent (2%) and two point two five percent (2.25%).

Council Chair Rapozo: Wow. That is not playing well in the sandbox. Okay. Is the substitution the rank-for-rank?

Ms. Rapozo:
work for another firefighter.

No. Substitution is when one firefighter can

Council Chair Rapozo:

Okay.

Ms. Rapozo: Rank-for-rank is when one firefighter of the same rank has to substitute for another firefighter.

Council Chair Rapozo: Okay. I am just going down this list, which the agreements were made prior to arbitration, which was the substitution which you just described.

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo:
rank-for-rank?

Overtime, would that include the

Ms. Rapozo: No. This was in regards to when they change a firefighter from a fifty-six (56) hour week to a forty (40) hour week because of training. There is a stipulation regarding overtime that if you do not change the schedule within so many hours, they get continuous overtime.

Council Chair Rapozo:
the tentative agreement?

Okay. Where would the rank-for-rank be in

Ms. Rapozo:

It was not...

Council Chair Rapozo:

Is was not on the table?

Ms. Rapozo:

It was not on the table.

Council Chair Rapozo:
an issue?

So the Counties and the State did not make it

Ms. Rapozo: Correct.

Council Chair Rapozo: Okay. Oh, Councilmember Kagawa left. I am asking these questions for him. It was never negotiated. I guess when we go up, we put a package of things we want to change, they put up theirs, and rank-for-rank was not in any of them?

Ms. Rapozo: Not this year.

Council Chair Rapozo: Okay. Alright. I guess that says a lot for me.
Councilmember Yukimura.

Councilmember Yukimura: The rank-for-rank as effected by the pay raises is included in these numbers that you have given us for first year and second year totals?

Ms. Rapozo: It is an estimate based on the additional salaries, and then the rank-for-rank will, in essence, basically increase as well.

Councilmember Yukimura: So the step movements are also included in these figures?

Ms. Rapozo: Correct.

Councilmember Yukimura: And can that be calculated pretty definitely?

Ms. Rapozo: Yes. Depending on where you are in the salary scale, step movements can range from, I think for Fire, three (3) years per step. So some people will get a raise in this year if they are due, and some will not. So when we look at the overall increase, we include step movements in the agreement. We are looking the a little over one percent (1%) increase because the totality of the steps is roughly one-third (1/3) of the people will be getting the step depending on when they are due. So it is about one point three percent (1.3%) for step movements.

Councilmember Yukimura: Okay, and step movements are basically longevity or seniority-based, right?

Ms. Rapozo: It is longevity, yes.

Councilmember Yukimura: Okay. I was noticing in the arbitration decision that they have...let us see, under wages, Section 32, they talk about "Employees shall move or remain on Exhibit B as follows." I guess that is the step.

Ms. Rapozo: What are you...

Councilmember Yukimura: I am looking at page 4 of the arbitration agreement, Findings and Conclusions.

Ms. Rapozo: Page 4, what number or what letter?

Councilmember Yukimura: Page 4, A4.

Ms. Rapozo: Basically what they are saying is Exhibit B would be the current salary schedule. So they are just trying to establish the base of where they will be on June 30th.

Councilmember Yukimura: Okay. But it says on "d", "Notwithstanding the above employees with twenty-five (25) or more years of service whose salaries are below Step 5 shall be placed on Step 5." It sounds like they get "a" and "b" plus "d."

Ms. Rapozo: If they are twenty-four (24) years or more, there is really no steps for them to go to because the salary scale is based on twenty-five (25) years because firefighters can retire after twenty-five (25) years. They are fully vested.

Councilmember Yukimura: I see. Okay. I think that is all of my questions. Thank you.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I have a question on the tentative agreement section; Substitution, Overtime, and Leave for Jury or Witness Duty. My question was were there any changes to overtime? I do not know what Safety Equipment, Tools, and this new section of Alcohol and Controlled Substance Testing is. Did any of that affect our financials or our costs?

Ms. Rapozo: No. These were items that the Union brought to the table when we first started arbitration, and throughout the arbitration process, we were able to come to agreements on all of these. None of these have cost implications. Actually, the overtime would actually help the employer because what was happening is when they changed from fifty-six (56) hour week to a forty (40) hour week, there were stipulations in the agreement that you needed to give them so many hours before overtime is continuous until they get a break. Sometimes when trainings come up, it is very last minute and we need to switch to a forty (40) hour week so that they can attend the trainings. So that is actually going to help us.

Councilmember Kaneshiro: Is the Alcohol and Controlled Substance testing going to cost us anymore?

Ms. Rapozo: It is just putting it in the agreement. It was never in the agreement. Actually, we had a Memorandum of Agreement that was a supplement to the actual agreement. So by putting language into the contract now, it will be in the contract, versus just kind of outside of the contract.

Councilmember Kaneshiro: Okay. Thank you

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: In the decision-making, was there any discussion about the County's reserve?

Ms. Rapozo: Ken Shimonishi actually presented on our financial status, our unfunded liabilities, and all of that. We are waiting for the final decision. You folks got an abbreviated version and we are waiting for the arbitrator's final decision that will basically give the rationale as to why he came up with the certain percentages. From what I understand, he believes the Comprehensive Annual Financial Report (CAFR) is what needed to be looked at versus budgets or those kind of things, but he did consider the unfunded liabilities in his final decision.

Councilmember Yukimura: Okay. I presume that will be available to us.

Ms. Rapozo: Yes. We do have a draft, but there are concerns with the content, that it was not complete. So until I get the final word that this is going to be the final, hopefully by next week or even by the end of this week, you folks should be able to get that, which is basically is his rationale as to how he came about with the award.

Councilmember Yukimura: So at latest, by the end of next week?

Ms. Rapozo: Yes.

Councilmember Yukimura: Okay. Thank you very much.

Council Chair Rapozo: And can that be forwarded to us?

Ms. Rapozo: Yes.

Council Chair Rapozo: I know I read the last one, Fire did the same one, and I was really appalled that in the arbitrator's final award, he stated that the Union's arbitrator brought up really what the order said, the ability to pay by the Counties and the State. Right under, it said the employer made no opposition. I mean, it was like we sat back and let that person basically run us over and not even question the fact...I am glad to hear that Ken provided that information. I have to believe it did make a difference because if not, I think we would have seen a higher rate increase. So I am just curious, and I am going to read that one again. I am just curious to see what the rationale as. Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: As we go into Collective Bargaining, I am not sure what the process is, but are they looking at our total cost of employees? We know we are going to have Employees' Retirement System (ERS) increases, which adds to the costs of the County for an employee. Are those type of things taken into consideration?

Ms. Rapozo: That was brought up by the State as well as every County that ERS is going up. We were not sure on the Transient Accommodations Tax (TAT) amounts. All of the things that have come through on budget. I am not sure how an arbitrator looks at that as far as ability to pay, whether

those are considered. Even looking at the entire workforce that once we make one award, it may trickle down to others. It appears they do not look at that. They just look at Fire for this one, for example, which is unfortunate because no matter what, it is going to affect other Units.

Councilmember Kaneshiro: Again, I mean, when we look at it, we see a two percent (2%) increase to salary, but if the County's portion of the ERS is going to increase two percent (2%) or three percent (3%) this year, that is like we are paying five percent (5%) more for the same employee, and that is just our costs. Of course, it compounds, which makes it even greater.

Ms. Rapozo: Yes.

Councilmember Kaneshiro: I mean, looking at salaries as well, but then just our total costs to have a County employee. There is so much to it and I do not know if Other Post-Employment Benefit (OPEB) is going to have any changes also. I do not know. It is hard when we do not have much, I guess, power as far as controlling our destiny on our costs. Thank you.

Council Chair Rapozo: Councilmember Yukimura and then Councilmember Kagawa.

Councilmember Yukimura: Janine, do you know whether the law itself directs the arbitrators to look and consider certain criteria?

Ms. Rapozo: Yes. I believe there are eight (8) criterion.

Councilmember Yukimura: Oh, okay.

Ms. Rapozo: And one (1) is the ability to pay. I think in this particular case, that was given the most weight.

Councilmember Yukimura: Who gave it most weight?

Ms. Rapozo: The arbitrator, but again, his ability to pay, I believe he is looking at our CAFRs, which shows healthy.

Councilmember Yukimura: Right.

Ms. Rapozo: We are showing bond ratings that are healthy.

Councilmember Yukimura: Yes. I mean, it is so counterproductive that we would have to show bad budget situations in order to counter wage increases.

Ms. Rapozo: Agreed.

Councilmember Yukimura: That does not make any sense because in the long-run, the employees will really get hurt by a bad budget situation.

Ms. Rapozo: Yes.

Council Chair Rapozo: We are headed down that road.

Councilmember Yukimura: Yes.

Council Chair Rapozo: If they are going to be so successful, and I mentioned this in the past, that they are going to get so successful in their arbitration and negotiations, that we will reach the point of financial instability where instead of pay raises, we are going to be issuing pink slips. I have mentioned that to a couple of Union leaders over the years that they have to be careful, because there is only so much. So it is unfortunate. Councilmember Kagawa.

Councilmember Yukimura: Thank you. Janine, I want to go back to that twenty (20) year analysis that you did for me last week. You showed that Fire was at fifty-eight percent (58%) over the past twenty (20) years. I think HGEA hovered about forty-two percent (42%).

Councilmember Yukimura: Increase.

Councilmember Kagawa: I asked the question, and I am not sure what the response was. Is the rank-for-rank included in the fifty-eight percent (58%) or not?

Ms. Rapozo: No.

Councilmember Kagawa: So if you add rank-for-rank, what percentage is rank-for-rank per year? How much percent would one million five hundred thousand dollars (\$1,500,000) a year equate to a raise?

Ms. Rapozo: I am not sure. The way rank-for-rank works is any ranked firefighter has twelve (12) shifts that they can do, which is basically on overtime. So you are giving them twelve (12) overtime shifts that they have the ability to take throughout the year. It could be one million dollars (\$1,000,000) or it could be more, because I do not think every ranked firefighter takes their twelve (12) shifts right now.

Councilmember Kagawa: I know this, that we put in the money and they spend it all. We said that compounding two point two five percent (2.25%) increase after the next two percent (2%) increase takes place will add up to one million three hundred thousand dollars (\$1,300,000). So I would assume that is at least another two percent (2%) per year, meaning that if you add the two percent (2%) to rank-for-rank to the two percent (2%) increase and the two point two five percent (2.25%) increase, then we are talking about Fire over the next two (2) years having at least an eight percent (8%) increase, which would be far and above HSTA and HGEA proposed increases, which hover at the thirteen point five percent (13.5%) range. So again, I think because the other Unions do not have rank-for-rank or a Standard of Conduct, I think for analysis of pay raises, it is only fair that we include it. It might be on a separate line item, but just do an analysis so that when we show

fifty-eight percent (58%) compared to forty-two percent (42%), we know that the fifty-eight percent (58%) is actually sixty-four percent (64%) or whatever it is if you add four (4) years of rank-for-rank, which would be eight percent (8%). So they would actually be at sixty-six percent (66%) compared to forty-two percent (42%), so that the public knows that if one (1) of us decides that this year we are going to take a stand and say, "I am sorry. No to the Fire raise because you have this disparity with the other Unions, that my vote is going to try to balance it out just a little bit." I just want all of these numbers to go in because I do not know what the public knows. They know they make a lot, but I think they should know exactly what the deal has been over the past twenty (20) years. I think than it is clear to the public. We are transparent, and I think that is all the public wants. When they are asked to pay more real property taxes, they should know what kind of agreements we are making over the next two (2) years or over the next four (4) years, and that we can justify those increases. Maybe in Committee, if we can add rank-for-rank at an estimated percentage is what I am asking.

Ms. Rapozo: Okay. Rank-for-rank was already in, but you are looking therefore, at what a total compensation of a firefighter would be because this does not increase rank-for-rank. It is already there.

Councilmember Kagawa: Yes.

Ms. Rapozo: This award, right?

Councilmember Kagawa: Exactly.

Ms. Rapozo: You are just looking at that, which I think we got a request...

Councilmember Kagawa: Well, I mean, it is already there and by approving this, it is going to be in there again. We have a choice is my feeling.

Ms. Rapozo: That is correct.

Councilmember Kagawa: We have a choice to say, "Hey, rank-for-rank was too generous and it is time to step back and reconsider." That is what I am saying. Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Just a follow-up. If we are going to go down that road, I also think there are other premiums involved as well.

Ms. Rapozo: Yes.

Councilmember Chock: We are talking about night differentials, hazard pay, and we are talking about a lot of different variables that are integrated into what makes it up. So if we are going to do it, let us do it completely so we see the big picture.

Ms. Rapozo: I believe we recently got a communication for the entire compensation for the firefighters as well as the police officers. That is forthcoming, and I am not sure if that is enough, that that will capture what Councilmember Kagawa is looking for. It would be by employee, which will show the difference, what their total compensation is for one (1) fiscal year or what the approximate amount is.

Council Chair Rapozo: Janine, the rank-for-rank is based on salary, right?

Ms. Rapozo: Correct.

Council Chair Rapozo: The rate.

Ms. Rapozo: It is basically overtime.

Council Chair Rapozo: Right. So the fact that there were no changes to the rank-for-rank does not mean that it is not going to cost more, because it is taken off the salary increases that were agreed upon.

Ms. Rapozo: That is correct.

Council Chair Rapozo: So your rank-for-rank will have an increase.

Ms. Rapozo: Yes, like overtime would.

Council Chair Rapozo: Yes. So rank-for-rank is just another form of overtime.

Ms. Rapozo: Right.

Council Chair Rapozo: I think Councilmember Kagawa was out of the room when you mentioned it, I think I heard you say earlier that eight percent (8%) per year was what the compiled or an estimate of the package increase is.

Ms. Rapozo: Yes. There was a Unit that settled and it was like a two (2) year package and I think it was rough. I think it was HGEA. They said it is roughly seven point eight percent (7.8%).

Council Chair Rapozo: Oh, okay. So this was not the Fire one?

Ms. Rapozo: No, but it was like the same; two percent (2%) and two point two five percent (2.25%). So when you compound it, they were saying it is like seven point eight percent (7.8%) or something like that.

Council Chair Rapozo: Okay. Is the arbitrator the same arbitrator for all of the Unions?

Ms. Rapozo:

No.

Council Chair Rapozo: So what we told this person and the ERS numbers, the OPEB, and all of these liabilities that we have, this arbitrator is not going to be there to listen to Police, UPW, and HGEA? Every negotiation and every arbitration has a different person?

Ms. Rapozo:
arbitrator with the Union.

We have to mutually agree to select an

Council Chair Rapozo:

Oh, okay. Councilmember Yukimura.

Councilmember Yukimura: I just want to say, Janine, I really appreciate how you are able to answer our questions. I do recall previous years that was not true and it was really difficult to understand what was being proposed. Thank you very much. My question is has the employers' side ever considered asking the Legislature to clarify the law as to ability to pay so that it does not include, for example, taking from reserves, or even using the CAFR as the standard for judging ability to pay, but really giving some guidance so that the proper things are considered and the improper things are not considered in determining ability to pay?

Ms. Rapozo: I am not sure if that has been proposed in the past. I do not think it was this year, but it is something that we could look at.

Councilmember Yukimura: I would like to request that our Administration look at that, especially with someone like our Director of Finance, and also just the increasing awareness about the need for long-range sustainable budget, both at the State level and County level. It seems like that would be a good thing to propose to at least even start the discussion.

Ms. Rapozo:

Yes, I agree.

Councilmember Yukimura:

Thank you.

Council Chair Rapozo: When the arbitrators, and maybe this is for Mauna Kea, but when all of this starts in arbitration, his ruling is final. What I was told in the past was that the binding arbitration is final even if a ruling was made or the arbitrator ruled on something that is in conflict with State law, that it is still binding. Mauna Kea, if you are aware of that, that was just something I had heard actually in an arbitration that I was involved in. It was pretty interesting that the arbitrator could make a ruling that went against State law and it was still binding. I do not want to get into a whole debate on arbitration law, but the bigger question I have, and I think Janine, this for you, what happens from here?

(Councilmember Chock was noted as not present.)

Council Chair Rapozo: What happens if any County votes against this proposal? What happens then? I guess you can start Janine, while Mauna Kea can look it up.

Ms. Rapozo: Okay. If any legislative body does not approve the award, then we, as the employer and Union, have to go back to negotiations. We start all over.

Council Chair Rapozo: Start all over?

Ms. Rapozo: Yes, basically. I think though, they would realize that we would have to start from that point down.

Council Chair Rapozo: I know in talking with at least one (1) other County, they are expressing that they may do that. This year may be that year. So I do not know what the feel of this Council is right now, but I can tell one (1) of the Counties is seriously considering voting against of these agreements. It will be interesting. I am just curious. So if one (1) County votes against it, all Counties go back to the table?

Ms. Rapozo: Correct.

Council Chair Rapozo: Okay. Thank you. Mr. Trask.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney. It is not an accurate statement to say that an arbitrator or an arbitration panel can make an award that is in violation of State law.

Council Chair Rapozo: Okay.

Mr. Trask: I do not think that is accurate, but when you look at Supreme Court cases and decisions on the matter, sometimes it seems like the court is picking and choosing how to interpret that law in order to come to a conclusion.

Council Chair Rapozo: Okay.

Mr. Trask: I would agree with Ms. Rapozo just for the record, the specific Section 89-10(b), any cost items can be rejected by the body and is put back to further bargaining. That has never happened before, and that is an issue as the Council Chair Rapozo said. If you look at the big municipal bankruptcies on the west coast in California, prior to the housing market, no one saw that the housing explosion was going to happen and reports written on that that it was overly optimistic forecasting, not funding your outstanding liabilities, and employment packages that were just not sustainable. Once the bill comes in to pay, Counties and Cities go bankrupt. That is just what happens, and it is acknowledging that. Hawai'i is not beyond that.

Council Chair Rapozo: How much does it cost to go to arbitration? Do we know? I know this year, we hired an attorney or a firm for the Fire negotiations. The Unions hired some firm out of San Francisco, California. How much would it cost the Counties? It is a significant amount? I do not know if you can even answer

that. I am talking about your time, your time, attorneys' time, travel, mileage, and per diem because we have to look at what does something like this cost.

Mr. Trask: We did Special Counsel for the firefighter arbitration and we did not use it for HGEA. I think the Fire was a good lead-in. It definitely sent a message that was never done before, and we learned a lot in the process that we parlayed into HGEA. So they kind of stacked up on each other. We spent more on the Special Counsel, but if you look at what, I think, that led to and the savings that we think we got out of it, it was worth it.

Councilmember Yukimura: Absolutely.

Mr. Trask: There are costs. I, myself, was at the HGEA for about two (2) weeks straight. Janine was there. Ken was there. It is all day thing and you travel back and forth every day. So there is a cost, and we are starting to do is an aggressive defense or even an aggressive presence there because we all look together. You are looking at your own employees and friends on the other side of the table. It is worth it. You do see a return. With HGEA, there are costs associated. We may be able to break that down somewhat accurately to you. It is just a necessary thing. One (1) of the things that we have to look at is working together. One (1) of the interesting things that come up is even the Unions, for example, recognize that it is not fair that the State takes the Counties' TAT. So maybe we look to relationships to build. Just Hawai'i State Association of Counties (HSAC) advocating for TAT or just Hawai'i Council of Mayors (HCOM) advocating. But if HSAC, HCOM, the Unions, and everyone got together because that money goes employees anyway. That is what that money goes to. No one has ever thought of that before.

Council Chair Rapozo: No, we thought about it, Mauna Kea. Trust me. HSAC made a plea to all of these people, "We need you at the Capitol. We cannot do this alone." We made the plea, we sent the letters, we made the calls, we met with these people, and we need them. Every time I was there and the Mayor was there, I did not see them.

Mr. Trask: And that is too bad.

Council Chair Rapozo: Whether or not they went on their own, I do not know, but I am just saying that was their opportunity to help the Counties.

Mr. Trask: Yes, and that was a missed opportunity.

Council Chair Rapozo: I want you to know that it is not because we did not ask. HSAC made a very aggressive effort this year, not with just the Unions, but with the Chambers of Commerce and all of these business organizations. We need your help. At the end of the day, the Counties lost.

Mr. Trask: I think, like said on this table, if not this body, one day, a body in the State is going to reject these cost items.

Council Chair Rapozo: Okay. One (1) last question, on the arbitrator sheet, it is showing all the appearances, Alan Davis from California and then you have our firm that we hired. Then, Hawai'i, Honolulu, and Maui had representatives, but I know Kaua'i is not listed on that.

(Councilmember Chock was noted as present.)

Mr. Trask: Because we hired Special Counsel, I did go over on one (1) day. I even testified because I got an ethics read on a specific item they were talking about. I did not see it was necessary that we pay Special Counsel and I show up every day just to sit there.

Council Chair Rapozo: Okay.

Mr. Trask: But we did have a presence. I followed everything. I inputted on the materials, but just to keep your body there when I need to be here, and doing other things.

Council Chair Rapozo: I understand. It is for the employers under the attorneys that we did hire, the County of Kaua'i is listed. So we were represented.

Mr. Trask: Yes.

Council Chair Rapozo: Okay. Are there any other questions? We have Janine here, we have one (1) more item that Janine is here for, so I am going ask that we take that right after this one because it should go quick so I can release Janine. Whatever questions you have today, do it now. When we get to the Bill, we are not going to call her back. If you have any further questions, we will do it at Committee Meeting. So whatever we have while we have her here, and I really appreciate you being here, Janine.

Ms. Rapozo: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. Thank you for allowing the questions to occur now. Janine, what triggers the step movements? Is it the years of service?

Ms. Rapozo: So if you look at the salary schedule, which is Exhibit B, I believe it starts on.

Councilmember Kagawa: In general, in a nutshell?

Ms. Rapozo: All the way on the top, there is the number of years. Step E would be zero (0) through less than four (4) years. Four (4) years to seven (7) years would be Step F. It is basically a longevity.

Councilmember Kagawa: Okay, it is clear. What triggers the SR movements?

Ms. Rapozo: SR is a classification of particular position. So if you are a Firefighter Trainee, you would be a SR-15, the starting level there. As you go up the chain whether you are Firefighter II or Firefighter III, the duties and the responsibilities change, so that is how the salary rating would be adjusted.

Councilmember Kagawa: So just in general, to go up from SR-15 beginning to SR-16, what would be the thing that you did to move up?

Ms. Rapozo: You would probably move from a Trainee to a Firefighter I, which would be now one (1) year, you have gone through all of your training, you are a bona fide firefighter that would be able to work without having to...you are not in the training level at that point.

Councilmember Kagawa: Thank you. I want to confer with Councilmember Yukimura on the salary and bargaining issues. Your answers and responses have been outstanding.

Ms. Rapozo: Thank you.

Councilmember Kagawa: I want to commend you. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro

Councilmember Kaneshiro: Just a quick question while we are on the schedule. What does it mean, we have an annual amount, a monthly amount, forty (40) hours, forty-two (42) hours, fifty-three (53) hours, and fifty-six (56) hours?

Ms. Rapozo: Firefighters have twenty-four (24) hours seven (7) days a week schedules. In order to do payroll, they do these hourly rates based on whether you are in the office forty (40) hours. Fifty-six (56) hours is our normal in the station hours. I am not clear if other jurisdictions have forty-two (42) and fifty-three (53) hours. Maybe the State does because I do not know if their Crash Fire stays the whole time. It is basically a way to process payroll. For example, if you have someone with leave without pay or a suspension for eight (8) hours or something, we sometimes need an hourly rate. So that would be your hourly rate based on whether you are a fifty-six (56) hour firefighter or a forty (40) hour firefighter.

Councilmember Kaneshiro: Okay, got it. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Does the private sector have steps?

Ms. Rapozo: I would not be able to answer that. I am not sure.

Councilmember Yukimura: Because you go from SR-15 to SR-16 based on time and training.

Ms. Rapozo: Yes. I am not sure if it is SR-16 or SR-17, but yes, that is correct.

Councilmember Yukimura: So it seems like when you go vertically up from SR to SR, that is already based on time and experience. But within the SR category, then you have all of these different steps.

Ms. Rapozo: The SR difference is based on the duties and responsibilities. It is really not time.

Councilmember Yukimura: I see.

Ms. Rapozo: That is why going through the steps is really the time.

Councilmember Yukimura: The time within each job?

Ms. Rapozo: Right.

Councilmember Yukimura: Category.

Ms. Rapozo: The step movements again, the assumption is as you are in that particular position for a while, you gain more experience and you should be a little bit more experienced than someone who is coming into that position. So you get that step movement.

Councilmember Yukimura: I see. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you very much Janine.

Council Chair Rapozo: Is there any public testimony while we have the rules suspended? Seeing none, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: This is the Communication. Councilmember Kagawa.

Councilmember Kagawa: I think the matter beforehand is serious in nature as far as the cost item. I think we are obligated to ask tough questions and it may be uncomfortable.

(Councilmember Kawakami was noted as present.)

Councilmember Kagawa: I think Mauna Kea said we have a lot of friends that work for these departments that we question, and it is not only friends, some are immediate family. Firefighting is a very honorable and important job. As we speak, they are fighting a huge brush fire up in Kōke'e. It is very dangerous. It is very important. But as these negotiations come up every four (4) years, I think we have to do more than rubber-stamp. I commend this Council for asking the questions and getting the information because at the end of the day, the public is the one that is going to pay more property taxes. The public is the one that is going to have to wait for their roads to be repaved because there is not enough money. I think we owe the public the questions and the due diligence that is necessary prior to casting a vote. I think, like Council Chair Rapozo said, this may be just a fruitless exercise. Kaua'i County could take a step and say, "Hey, we are not for all the provisions in the new proposal." However, if all the other Counties do not concur, then it goes to the arbitrator who makes his decision. He may rule that Kaua'i County, you folks have no merit, and he will bind us to the agreement before us, so it may be a fruitless exercise. We will just anger employees of that Union. But at the end of the day, I do not think it is fruitless. I think we have to try and do the best job for the taxpayers of Kaua'i. That is why they elected us. The firefighter Union did not elect us, the police Union did not elect us, and HGEA did not elect us. We represent the people of Kaua'i and I am always going to take the side of the public. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Is there any other discussion?
Councilmember Yukimura.

Councilmember Yukimura: I concur with Councilmember Kagawa. I do not think it would be fruitless to try to keep the corporate body healthy and fiscally sustainable, because everybody depends on it, including all of the employees. So we have to think about the whole and we have to think about the long-range. One would hope that the employees and the Unions understand that because we are all in the same boat together and we need to survive in order to thrive. I think the goal is fair, equitable wages, but we need to think about everybody; the Unions, the employees, and the taxpayers.

(Councilmember Kagawa was noted as not present.)

Councilmember Yukimura: I really want to thank the Administration for putting forth this year, a much more well-grounded and comprehensive education in the process of negotiations, because I think it is really important, otherwise, neither the public nor the arbitrators understand what is at stake and the things that need to be considered.

(Councilmember Kagawa was noted as present.)

Councilmember Yukimura: So I appreciate that work very much.

Council Chair Rapozo: Thank you. Is there any other discussion? If not, thank you, Janine. I would like to concur with Councilmember Yukimura. It seems this year, you have apparently been through this pretty intimately because

you have got it all you down. Thank you for being here. It is the clearest explanation since I have been on the Council. With that, the motion is to receive.

The motion to receive C 2017-120 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. If there are no objections, I really want to get Janine out of here. So if we can take the next Human Resources (HR) item.

There being on objections, C 2017-124 was taken out of order.

C 2017-124 Communication (04/28/2017) from the Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) to obtain protected health information for its employees, beneficiaries, and retirees through a Confidentiality Agreement: Councilmember Yukimura moved to approve C 2017-124, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Hang on. We need to schedule a public hearing on this. No? Why is this here on my thing? There is a note here that we are scheduling a public hearing. Okay. The motion is to approve and it was seconded. Is there any discussion or questions? I guess I need to know what this is for. I tried reading it and it seems like the State is asking us to indemnify them for playing with our money. That is how I read it. I do not think we can not approve it, but I do want to get a better understanding for a layman like myself of what we are doing today. Thank you. I will suspend the rules.

There being no objections, the rules were suspended.

Ms. Rapozo: Okay. Regarding this Employer-Union Health Benefits Trust Fund (EUTF) Confidentiality Agreement with the State, in the past, EUTF would give us the billing for the health fund costs for the employer and the employee broken down by each employee. At some point several years ago, they stopped doing that saying because of the Health Insurance Portability and Accountability Act (HIPAA) laws and everything, they could not do that. We disagreed with that. Payroll was not in HR at that time, but they were adamant that they could not give us that information, so they have been billing us in a lump sum. So we would have no idea who belongs to what amount and everything. Working back and forth with them for a couple of years now, they came up with another agreement, because the first agreement they wanted us to sign was totally ridiculous that I think our attorneys and the Director of Finance at the time said, "We are not going to sign this. This is kind of crazy." So they came up with a different agreement that we could agree to that this was okay. Basically, they are going to release the information by each employee so that we can really be able to reconcile better and especially with the Water Department where we did not know which belonged to Water or not. So it is really necessary so we can get this information.

Council Chair Rapozo: I am assuming the Office of the County Attorney has reviewed this.

Ms. Rapozo: Yes.

Council Chair Rapozo: Councilmember Yukimura

Councilmember Yukimura: That was my question.

Council Chair Rapozo: Okay. Councilmember Kagawa. I am sorry. Thank you. Is there any public testimony? Seeing none, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? With that, the motion is to approve.

The motion to approve C 2017-124 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Can we go back?

C 2017-121 Communication (04/20/2017) from the Housing Director, requesting Council approval for the following:

- a. Acquisition under the County's Community Development Block Grant (CDBG) Program of a residential unit at 4940 Alii Road, Hanapēpē, Kaua'i, Hawai'i, 96716, Tax Map Key (TMK): (4) 1-8-014-094, for a purchase price of not more than \$397,000.00, based on the fee simple market appraisal, which will be obtained through this transaction;
- b. Resale of 4940 Alii Road, Hanapēpē, Kaua'i, Hawai'i, 96716, by leasehold market appraisal, which will be obtained through this transaction; and
- c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

Councilmember Brun moved to approve C 2017-121, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?
Councilmember Yukimura.

Councilmember Yukimura: I want to commend the Housing Agency. This is perpetuating the affordability of a unit. It is making a house available to a family that really needs it. I want to commend Ken Rainforth and Gary Mackler who first

started this policy of keeping these units within the inventory of affordable housing so that more families can qualify.

Council Chair Rapozo: Thank you. Is there any other discussion? I do want to say that this property will be sold to a family with household income less than eighty percent (80%). So it is truly an affordable property and I appreciate that. We do have Kanani here from the Housing Agency as well as a new addition to the Housing Agency. I would like if you could come up and at least introduce...

Councilmember Yukimura: Koa.

Council Chair Rapozo: Koa, the new person. Go ahead.

Councilmember Kagawa: I have a process question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: After this item, would the Council Chair Rapozo be okay with taking the Ho'onani Road Resolution and giving Mr. Bahouth some direction as to whether we have serious questions, serious reservations, and if we do have some, I would recommend that we refer the Resolution to Committee and get a really detailed discussion. I have no objections. I am comfortable with what I have learned and who is using the existing parking now. If Council Chair Rapozo does not mind if we can go to that item and at least get rid of the item. If we have serious reservations, I think we should go to Committee, and I would be glad to have it in my Committee.

Council Chair Rapozo: I do not have any objections if you folks do not have any objections. In fact, yes, we will bring that up at that point.

Councilmember Kagawa: Okay.

Council Chair Rapozo: I just wanted to take this opportunity to thank you folks for being here and waiting for this item. I will suspend the rules. Kanani, if you do not mind introducing yourself and the new addition to the Housing Agency. This man has big shoes to fill.

There being no objections, the rules were suspended.

KANANI FU, Housing Director: Good morning, Kanani Fu, Housing Director. Good morning, Councilmembers. I would like to introduce our newest member of the Housing Agency, whom you have all have met, but the public has not met him yet. Go ahead.

KOA DUNCAN, Project Coordinator: For the record, my name is Koa Duncan. I was excited to say "for the record."

Ms. Fu: Tell us that in six (6) months.

Mr. Duncan: My job title is Project Development Specialist. I am just happy to join and work for the County. I just started about a month and a half or so ago at the end of March. Currently, as we spoke yesterday, I am working on a possible affordable housing project in Lihue, which I know is something that we need and a lot of the County has been in support of. Anyway, I am just happy to be here. Thank you, folks, for everything that you folks do. I am definitely learning about the Council and all of the tough decisions you folks have to make. So I have a lot of respect for you folks. Thank you.

Council Chair Rapozo: Thank you very much. Thank you for coming up. I just wanted to ease that transition by getting you on that seat without these folks firing back.

Mr. Duncan: Okay.

Council Chair Rapozo: Enjoy that feeling because that is the only time it will happen.

Councilmember Brun: It will not last.

Council Chair Rapozo: Thank you very much. Thank you for this item. I appreciate making this house available for an affordable family. Thank you very much.

Ms. Fu: Thank you.

Mr. Duncan: Thank you.

Council Chair Rapozo: With that, I will call the meet back to order.

There being no objections, the meeting was called back to order, and proceeded as follow:

Council Chair Rapozo: Is there any further discussion?

Councilmember Kagawa: Yes.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: We are tasked with fixing affordable housing. I would say we are minus one (-1). We have solved one (1) family right here, so we accomplished something. Thank you.

Council Chair Rapozo: How do you eat an elephant? One (1) bite at a time. Is there any other discussion?

The motion to approve C 2017-121 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. If there are no objections, I would entertain Councilmember Kagawa's request to take up the Resolution for no parking.

There being no objections, Resolution No. 2017-35 was taken out of order.

RESOLUTIONS:

Resolution No. 2017-35 – RESOLUTION ESTABLISHING NO-PARKING ZONES ALONG A PORTION OF HO'ONANI ROAD, AND REPEALING EXISTING PARKING RESTRICTIONS ALONG HO'ONANI ROAD, KŌLOA DISTRICT, COUNTY OF KAUAI: Councilmember Kaneshiro moved for adoption of Resolution No. 2017-35, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any public testimony? I will be honest with you folks, I have had a few phone calls from various people that may want to expand on this Resolution. I am not sure if that is time-sensitive that we need to do it right away. I would actually like to discuss...you can have a seat, Mr. Behouth. If you wanted to discuss a possibility of even having a public hearing on this Resolution so we can get the community involved to find out really, but that is up to you folks.

Councilmember Kagawa: I think my preference is that I have had, I think probably the same calls or some of the same calls as you have and other Members have. I would say the best way to get a request through the proper channels and vetted is to go through the Department of Public Works and the Department of Public Works will find a way to Kaua'i Police Department (KPD) if needed. I believe we have a process that works well. It has worked well since I was a staffer, because we are just lay people. The engineers and the police are the experts. To just have the Council, the legislative side, go ahead and amend existing requests that come before us by request by the Administration, I think, sets bad precedent in a way. It is not a bad precedent if it is really a time-sensitive issue, but I would prefer it go to the properly channels of protocol, that way we have the best end product. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Let us get Mr. Bahouth's testimony first. I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Mr. Bahouth, go ahead.

CHIP BAHOUTH, General Manager, Sheraton Kaua'i Resort: Good morning, County Council. For the record, Chip Bahouth, General Manager of the Sheraton Kaua'i. The parking situation on Ho'onani Road that we are referring to today is one of public safety from the standpoint of the hotel and the public that is parking in this particular area. We have a loading dock on the *mauka* side of the property where if you were looking at the loading dock on one side of the loading dock

side, you cannot park. On the other side of the loading dock, you are able to park right up to where the entrance of the loading dock is.

(Councilmember Brun was noted as not present.)

Mr. Bahouth: From that parking area moving down towards the Kiahuna property, you are able to park along that way. Fronting that area where you would park is also the entrance to the associates cafeteria as well as parking being the entrance into the back of the ballroom. So you have a lot of movement that is moving back and forth from the associates going into the cafeteria and from the banquet staff moving in and out. They use the ramp that is right next to that loading dock area to go into the ballroom. So we have had a couple near miss where people are coming in and out from the cafeteria as well as the associates coming in and out of the banquet area, where we had near-misses with cars hitting people and so forth. There is no designated crosswalk in that area or a designated area for no parking right up to the two (2) areas. We did have an associate get hit by somebody riding a bike recently because a bike is a little harder to see than a car. She sustained some injuries and was out of work for some time. The majority of the people who park along that area in the five (5) or six (6) spaces there, are primarily our associates, the people that work at the hotel. They come early in the morning, they are the first ones to be there, so they park along that area. We do have parking that is designated for our associates, but it is very difficult if there is public parking available there, to say to somebody, "You cannot park there. You have to park in the employee parking lot." So that is a pretty big picture up there. I think this is not really indicative of the area that I was referring to. I am referring to the where the word "Road" is and where the word "D" is going back that way. The area fronting the lobby area in front is already no parking. From the beginning on the left hand as I look at this to where the word "Road" is, that is already no parking because that is in and out in that lobby area. I am sorry. So from here to here, there is no parking already that is occurring. It is the parking that is right here that is the problem. There is no parking along this area as well. The parking challenge that we are having is from here to here, and you have another entrance here. So you have parking along this way from here to here that is occurring. This is the loading dock area and then this would be the entrance to the cafeteria going in here. So I am just referring to this little area in here.

Council Chair Rapozo: So that is not accurate?

Mr. Bahouth: No.

Council Chair Rapozo: Why am I not surprised? We will have the Administration here. They can come up and explain why. Is there anything else you wanted to add to your testimony?

Mr. Bahouth: No.

Council Chair Rapozo: I guess we have to start off with an accurate drawing.

Mr. Bahouth: Yes.

Councilmember Kagawa: I have a question for Chip.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Chip, again, just to reiterate, you said that on a daily basis, the area you are asking to be no parking in addition to what is already existing is primarily being used by your own employees?

Mr. Bahouth: Correct.

Councilmember Kagawa: And they have alternative parking areas that is set up by Sheraton Kaua'i Resort?

Mr. Bahouth: Yes, they do. There is designated parking for the associates that is up in this area, up in here.

(Councilmember Brun was noted as present.)

Councilmember Kagawa: So basically, this is for public safety and in general, the public is not going to be impacted because the employees are primarily the ones occupying those spaces?

Mr. Bahouth: Correct. That is correct.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Where would those employees park?

Mr. Bahouth: Those employees would park in the designated parking area that we have for them that is up behind the tennis courts up in there.

Council Chair Rapozo: Okay.

Mr. Bahouth: There is quite a bit of space here, and when push comes to shove, relative to a big event or so forth, we let them park on the grass area. We have a grassed in area over here. We have substantial amount of parking for the associates.

Council Chair Rapozo: Chip, using that pointer...

Mr. Bahouth: Yes.

Council Chair Rapozo: I think this Resolution is going to supersede others, and that is why I think it is showing the entire...

Mr. Bahouth: Okay.

Council Chair Rapozo: But I am more concerned what you said the little area that is blank.

Mr. Bahouth: Yes.

Council Chair Rapozo: Is that where you need the no parking?

Mr. Bahouth: Yes. The primary concern is right here. This loading dock here fronts up to this loading dock here.

Council Chair Rapozo: Okay.

Mr. Bahouth: What happens is when you have a big truck come in, it pulls in this way and then it has to back in this way.

Council Chair Rapozo: Okay.

Mr. Bahouth: So what happens is that area gets blocked and somebody coming across the street here could be impacted. There is a large double door here where we come in and out with where we bring everything over to the banquet facility here. We will run carts across the street if we have to bring food and so forth. My big concern is this area right in here where there is a lot of traffic.

Council Chair Rapozo: Does the Resolution covers that part of your concern?

Mr. Bahouth: No, it does not right now. This right here on this side right here, right at the corner, you can park right now.

Council Chair Rapozo: Right, but this Resolution will make it no parking.

Mr. Bahouth: Yes, it would make it no parking. The preference would be is to come down here to protect the people that are crossing the street going in and out of the employees' dining hall.

Council Chair Rapozo: Is the blank that you are showing there a safety issue though?

Mr. Bahouth: Yes, in my opinion it is.

Council Chair Rapozo: Okay. Thank you. Are there any other questions? Go ahead, Councilmember Chock.

Councilmember Chock: I have a clarifying question.

Mr. Bahouth: Sure.

Councilmember Chock: Thank you, Chip. I know this item came up out of a request kind of on a holistic level of the area, and so I have been working on it with those concerns. I just wanted to see, this was just one (1) piece of several issues, I think, that had come up. I wanted to get an affirmation from you that the concerns are also being addressed.

Mr. Bahouth: I do not know of any other concerns other than this right here. This was our primary concern. Nobody has come to me with regards to any other situation on Ho'onani Road, to my knowledge.

Councilmember Chock: My understanding was it had to do with, and I do not want to veer too far and we can talk after.

Mr. Bahouth: Sure.

Councilmember Chock: I think it was regarding a crosswalk as well as some other parking on the adjacent side of the park.

Mr. Bahouth: If we could get a crosswalk there, that would be great. Along here, you probably have a couple hundred people that traverse every day back and forth into the dining hall.

Councilmember Chock: Okay, we will check on it. Thank you.

Council Chair Rapozo: Yes, we will address that at a different time.

Mr. Bahouth: Okay.

Council Chair Rapozo: Are there any other questions for Chip? If not, thank you Chip. We will have the Department of Public Works come up.

Mr. Bahouth: Thank you for your time.

Council Chair Rapozo: Thank you. With that, if we could get the Department of Public Works up.

Councilmember Kagawa: I had a question on the map.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I guess Council Chair Rapozo and Chip kind of pointed out that this map may be inaccurate or it may be accurate. I do not know. Let us hear from you folks. If it is inaccurate, do we need to amend the Resolution so that it is accurate and we are accomplishing what we are trying to accomplish?

LYLE TABATA, Acting County Engineer: Lyle Tabata, Acting County Engineer. Good morning, Council Chair Rapozo, Vice Chair Kagawa, and Members. This Resolution is asking you to repeal the existing and to then pass what is being presented in the document. Between the cross-hatch section and the...

Council Chair Rapozo:

Lyle, can you use the pointer?

Mr. Tabata: I will let Michael explain, but between here and here is about fifty-five (55) feet and three (3) parking stalls. The primary area that they asked for was as explained, right here. So that is where the no parking was expanded. I will let Michael go through the rationale from the engineering perspective.

MICHAEL MOULE, Chief of Engineering: Good morning, Council Chair Rapozo and Members of the Council. I am Michael Moule for the record, Chief of Engineering with the Department of Public Works. Let me just explain sort of where things started with us, the request that was made to us, and what has happened since then. Dominique Akain, a representative of the Sheraton Kaua'i Resort came to us asking us to add...right now, currently today, there is no parking signs from where I am pointing now just west of the exit to this lobby area on the *mauka* side. There are signs all the way through here and the last sign is here, just west of the loading dock entrance. There is red curb painted all the way down, but I have never found any law that says red curb actually means no parking. We often use it for that purpose, but my understanding is it has to be supplemented by signs to have any meaning. There is no sign over here, even though there is red curb markings here or had been at one time, it perhaps faded. There is no sign over here. So the request was simply, can you put a sign on this side of the loading dock so no one ever parks in this area making it hard for us to use the loading dock? That was the request that came to us. We said, "Yes, we will look into that." We researched the Resolutions. We found three (3) different Resolutions that covered this general area. They were sort of mish-mash. They had maps that seemed to clearly indicate that this was the area where no parking would be, but it only went to here. It did not cover the loading dock. The distances that were written into the Resolutions such as how many feet from *x* intersection, some of them seemed to make no sense whatsoever and we are taking it way down past this. So we really could not make any sense of what those were and they did not match the maps. They did not match any of the signage that was out there. They did not match the description, what the intention of what it was for, so we said, "The best thing to do is to simplify this by removing Resolutions that do not seem to be accurate providing one (1) simple resolution going from this point from this point based on our current measurements from the nearest road, which Kapili Road to the west." Five hundred forty-five (545) feet from Kapili Road is here, one thousand five (1,005) feet from Kapili Road is there, so that we could then put the sign on this side to match up with the red painted curb for the loading dock. We sent that out to review by other Departments, and the Police Department came back and said, "Look, there is also this ramp here." There is a ramp here that is across from a stairway on this side, two (2) stairs, I believe, that connects to this side of the Sheraton Kaua'i Resort property. This walkway goes back behind to other areas in the Sheraton Kaua'i Resort property and it leads to a walkway back there. They said, "There are people that are parking in front of that ramp, and that does not make any sense. Can you make that change as well?" We said, "Yes, you are right. It does not make sense that you can park directly in front of the ramp." There are no signs and no curb markings for that. So we added that fifteen (15) feet of area on either side, so roughly seven and a half (7½) feet on either side of the ramp, to make it physically able to get across here. There is no crosswalk. I will address that

question since it came up earlier. To make a crosswalk, somebody would have to fund it to make that crosswalk accessible, because there is a ramp on this said, but this side, there is a stairway. So we would not be able to put a crosswalk in without done that. If that is something that is desired by Sheraton Kaua'i Resort, it is something we could review with them and ultimately come back to you with a resolution, but the stairs, which I am not sure was even built by the County. I do not who built the stairways over here now, or the ramp. It likely came as part of the development in some fashion with Sheraton Kaua'i Resort. It would need to be funded and constructed. I think our recommendation would be that that would be a Sheraton Kaua'i Resort expense if they want that crosswalk there. We would work with them on that if it was a desirable thing. But that is not part of this current request. It is just to make it so literally, you can physically get down the ramp to the street because the ramp is there. If someone is parks in front of it, you literally cannot go down the ramp. You have to walk around that car. We added this short segment here, leaving the segment in between because from us, we never had anyone request that parking be removed. What we heard from the representative a few moments ago was the first time I had heard of a request to eliminate parking there on the *mauka* side between this area about fifteen (15) feet each to the loading dock and that ramp. If that is something that they are desiring to do, it probably would make sense to do it all at once and we can look into that. Generally speaking, we try not to remove parking unless we find a safety reason for that. We would have to review that and see if that even make sense from our point of view. But like I said, the request that came to us was just to eliminate the parking within fifteen (15) or so feet of the loading dock to match up with the red curb so that we could put a sign there to legally make it so you cannot park there, because as I understand it, the red curb legally does not make it so you cannot park. That is all I have.

Council Chair Rapozo: I have a real quick question on the little block, the ramp.

Mr. Moule: Yes.

Council Chair Rapozo: What kind of ramp is that?

Mr. Moule: It is just a typical curb ramp that comes down from the walkway that leads into the Sheraton Kaua'i Resort property. There is a walkway that goes back and there are ramps right down like a little trapezoidal shape.

Council Chair Rapozo: Is it an access?

Mr. Moule: It is very similar to your typical wheelchair ramp that you would see at an intersection, but across the street, is a little set of stairs. So that crossing is not fully accessible.

Council Chair Rapozo: Oh, okay.

Mr. Moule: They may not be directly lined up. The stairs may be offset a little to the ramp. People do cross there. It is legal to cross in that

location. Without a marked crosswalk though, people cross having to yield to traffic on the roadway. If it was marked, it would be the other way around. There is nothing that says you cannot cross a road without a crosswalk. It is legal as long as you yield to traffic.

Council Chair Rapozo: Okay. Councilmember Brun.

Councilmember Brun: Would you folks be against just expanding that all the way until that parking lot? So you have that small ramp, which you are only going to lose one (1) or two (2) more parking spaces. I think it is a parking lot, right?

Mr. Moule: Yes, there is a parking lot here.

Councilmember Brun: Just extend it all the way. No sense you have no parking, you have three (3) cars parking, then no parking, and then you have two (2) more cars parking. How about we just make it all the way? He already said there is parking for the employees in the back.

Mr. Moule: It is certainly possible to do that. When I visited this area, it is pretty parked up. I looked at aerial imagery, and it is pretty parked up. I do not know who it is parking, employees. I know sometimes it is people staying at Sheraton Kaua'i Resort. It is easier to park there than elsewhere. It is people going to the beach. The parking that is designated for the beach in that area is limited, so there are certain days on the weekends, I suspect, that fills up. Visitors that are not staying in this area may want to go to that beach, they drive over, and park there. Local residents park there. If we were to look at all of that from our normal sort of parking restrictions from a safety point of view for driveways and crosswalks, our recommendation would not be to eliminate all the parking.

Councilmember Brun: Okay.

Mr. Moule: It is something that can be made in addition by this body, and if for other reasons, for reasons that we decide do not want parking, we, as the County, really the Council, does not want or need parking in this area and it would be better to not have it, that could be done. But I do not think we would from our normal safety review, say all of that needs to be eliminated.

Councilmember Brun: Okay.

Mr. Moule: I will just put it that way.

Councilmember Brun: For me, I would have to talk to Sheraton Kaua'i Resort, because if it is mostly employees, it will affect him at Sheraton Kaua'i Resort. If some of it is visitors parking there, he is going to get the rap for it. So I think we have to really look into and talk I can talk to him later on see what his feelings are on that because he is going to have to answer the questions anyway if it is his employees or if it is the visitors. But if it is affecting the whole local community,

then we might have an issue. But if it is more for the workers and the tourists, he is going to have to deal with the slack anyway.

Mr. Tabata: I believe a lot of locals use the public access and park on the street, too.

Councilmember Brun: Okay.

Mr. Tabata: It is far-reaching.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I guess my question was when we do these no parking extensions, I mean, what is the impact to the local surfers and beachgoers? I do not know what that policy is. I know there is a big open parking lot that is owned by Sheraton Kaua'i Resort. Is it just for recreation use? Marriott's Waiohai Beach Club is a popular surfing spot. I used to surf there when I was young. How does that impact the public, the beachgoers, and surfers? When he explained it, he said that a lot of the stalls would be occupied as long as those employees are working because they will park there and those parking spots for the public are gone. Did we look at the public use like the beachgoers as far as will this affect them?

Mr. Tabata: That is my concern. I believe...

Councilmember Kagawa: And that is why you left of the sliver of three (3)?

Mr. Tabata: Yes.

Councilmember Kagawa: That was the initial rationale after your reviewed it, you folks made it safer and at least leave three (3) stalls in between there?

Mr. Moule: Yes. I think our process was to eliminate the minimum amount of parking necessary for good operations of the loading dock so that ramp could be safely used. We were trying to minimize parking removal based on what we thought was important from safety and usability of the ramp and loading dock, and that is it. We did it because, generally speaking, most of the island, parking removal is controversial. We try to minimize doing so and do it only where we feel it is necessary for safety or operations.

Councilmember Kagawa: I understand. The Monday morning, or quarterback, or coach in me tells me that if you are going to limit the street parking for employees by three (3) more stalls or whatever this is adding, then that is much more demand than those three (3) that we are leaving open are going to get for the employees. So I think the overall solution is that we have to get the employees to park and leave those open for the public or guests. At least those are better than employees occupying a stall when they have designated space. I guess it is just again, seeing how we can work with the public and private sector, and just trying to balance.

Council Chair Rapozo: Thank you. So, that area that is open right now does not pose a safety concern as far as you are concerned?

Mr. Moule: No. I think that leaving the three (3), roughly fifty-five (55) feet, roughly three (3) spaces open for parking that does not...I mean, obviously, parking limits sight distance, right, and you could argue taking all the parking off the street is going to make all the sight distance for all driveways and when people crossing not just at the ramp, but elsewhere as well, they have to look between parked cars to cross. So there is an argument to make removing all of the parking would be safer, but at same time, having parking on the street also encourages drivers to go slower and has a demand. We are trying to balance those things.

Council Chair Rapozo: Yes. I share the same concern as you folks, that parking removal should be done for safety reasons, if there is a safety concern that we have to remove parking, but I also know that pretty popular area. I do not those stalls go vacant often. I know we cannot control who parks there, but I would hope the hotel would allow those parking stalls to stay open for the public and not employees. That is really simple for the hotel because you folks can terminate people for violating hotel policies. So it is very simple to get compliance that way. Really, if we are going to keep that open, I would want that to be for the public, the people going to the beach, or even patrons of the hotel. Anyway, are there any other questions of Public Works? Thank you for cleaning that up.

Mr. Tabata: Thank you.

Council Chair Rapozo: It must have driven you folks crazy with the distances and not matching. Is there any other public testimony? If not, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: I am sorry. The rules are suspended.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Go ahead, Tessie.

TESSIE KINNAMAN: Good morning, Tessie Kinnaman, for the record. I have been down there very often and it has really nice because on the *makai* side of Ho'onani Road, parking is prohibited. But on the *mauka* side, there are signs pointing west no parking, but it is placed at weird places where people are parking and there is no parking here. It is really weird. Oh, I am sorry. Just looking at that diagram up there, I would recommend the loading dock area, but then the other part, that little small one on the right hand side. I mean, eliminate and just do a crosswalk for employees and they can use that to go back and forth to the cafeteria, because there is a bigger area back there. Then, the signs now just need to be rearranged. Right in front of the garden lobby, the *mauka* side, not too many people park right in front of there because of the big crosswalk where people come across between two (2)

lobbies. Then coming out of that area, you take a right to go toward Kapili Road, and those no parking signs point west and they are all weird also. It is a mix. I think the majority of the people that park there are the house guests and workers because there needs to be a no parking zone maybe fifteen (15) feet to twenty (20) feet from Kapili Road and Ho'onani Road, that corner, because the same white truck has been parked right exactly at that corner right here, and it is hard to make a right turn to see a car on this corner of Kapili Road. So I would think from Kapili Road on to Ho'onani Road going east on the *mauka* side would have at least no parking between the signs kind of thing. No parking from this portion to the corner. There is ample parking for the employees. It is the same thing like at Marriott's Waiohai Beach Club, the employees are too lazy to park far. They just want to stay as close to the timeclock as they can. But if you look up there on that map on the left hand corner, the *mauka* lobby, it is not Kapili Road. Anyway, where Kapili Road and Ho'onani Road intersect, that corner right there on Ho'onani Road, you should have at least fifteen (15) feet sight vision for people traversing west because you cannot...

Council Chair Rapozo: Hang on real quick. Is there anyone else wishing to testify on this matter? If not, you can continue. You can continue, Tessie. You can have your second three (3) minutes. Kapili Road is not on this map though.

Ms. Kinnaman: No, no.

Council Chair Rapozo: We can discuss the other parts of this, but I think for today, we just need to discuss what is on the Resolution.

Ms. Kinnaman: Yes. Oh, it is blurry.

Council Chair Rapozo: Again, the Resolution is on the no parking. So if you want to discuss Ho'onani Road and improvements, we can do that in a different item. Today is on the no parking on Ho'onani Road.

Ms. Kinnaman: Yes.

Council Chair Rapozo: So the map that was up earlier. I think you said you wanted to take away the little square and put a crosswalk.

Ms. Kinnaman: Yes.

Council Chair Rapozo: Do you think that would be better off?

Ms. Kinnaman: Yes, because this is the valet parking, if I am not mistaken for the hotel. Then, because what this is for the employees or whoever to cross across here, because this part is the loading dock. I would think just whatever portion from here to here, so they can back up and do their thing. I mean, that would work because this part right here, not too many park here anyway except for right over here. Okay.

Council Chair Rapozo: Okay. Thank you. Go ahead.

Councilmember Kagawa: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Tessie, I have a question. Thank you for always showing up on the Kōloa/Po'ipū issues. I appreciate that you take the time to come. We had one (1) fellow waiting for us in the parking lot. He was worried about taking away more parking for the public because he was just basically saying, "You folks keep taking away parking, where are we going to park?" So you are saying on this proposed Resolution, you disagree with that area in between where that proposed no parking is pointing to?

Ms. Kinnaman: This one?

Councilmember Kagawa: Left, yes. Are you saying that one is not necessary to take away, or are you okay with that? What do you agree and disagree with?

Ms. Kinnaman: Are they wanting to do this whole removal of the parking?

Councilmember Kagawa: Yes.

Ms. Kinnaman: Oh, no.

Councilmember Kagawa: Are you saying it is not necessary?

Ms. Kinnaman: Not the whole thing, just there is a portion where the loading dock is.

(Councilmember Brun was noted as not present.)

Councilmember Kagawa: Like right there?

Ms. Kinnaman: If I am not mistaken, this is where Chip said the loading dock was.

Councilmember Kagawa: Yes, that is the loading dock.

Ms. Kinnaman: That is to revers and whatever, and whatever they do with their catering and whatnot across the street.

Councilmember Kagawa: Yes.

Ms. Kinnaman: Yes, I do not think you need to take the whole street, that whole side, because there is still plenty of room. Is it not marked red anyway and they should not be parking?

Councilmember Yukimura: May I?

Ms. Kinnaman: I am sorry.

Councilmember Yukimura: Yes, I mean it is already no parking. Under the existing law, it is no parking. Partly because you have the cars going into that porte-cochère or whatever you call it, right?

Ms. Kinnaman: Yes.

Councilmember Yukimura: And there is just a lot going on; people traversing, pedestrians walking back and forth, and cars going through. Do you want to change the status quo and say "parking?"

Ms. Kinnaman: Yes, with the exception of that portion right here for reversing and for the delivery trucks, wide enough for them to do their business back and forth here.

Councilmember Yukimura: So change it from no parking to parking, because that is what the status quo is, no parking right now?

Ms. Kinnaman: People are parking there already.

Councilmember Kagawa: I think it is parking, actually.

Ms. Kinnaman: Yes.

Councilmember Kagawa: The new proposal proposes to establish no parking from the Lihu'e side entrance to the lobby to the right, so the existing no parking ends at that road going into the lobby on the top part of the sheet.

Councilmember Yukimura: Okay.

Councilmember Kagawa: This Resolution is proposing establishing no parking east of that road.

Councilmember Yukimura: One thousand (1,000) feet?

Councilmember Kagawa: Yes, right?

Councilmember Yukimura: Okay.

Councilmember Kagawa: If she said that they are parking there already, it must be parking allowed.

Ms. Kinnaman: Because right there, if I am not mistaken, I am sorry, there is a no parking sign at that corner pointing west. Then, there is another no parking sign a little bit past here, pointing west. It is somewhere back. The signs are all *kapakahi*. I can tell you that.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you.

Councilmember Kagawa: I have a suggestion.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: My suggestion is...

Council Chair Rapozo: Do we need Public Works back up?

Councilmember Kagawa: No.

Councilmember Yukimura: Yes.

Council Chair Rapozo: We do?

Councilmember Kagawa: I think my suggestion is can we just go back and have a week more of due diligence in Committee? Let us just make sure we do it right, and then if we come up with any additions like a crosswalk, I think that is able to be added in, right Mauna Kea? I am not sure.

Council Chair Rapozo: Well, it could be, but again, it is going to require...

Councilmember Kagawa: I feel like we are rushing and there is no need to rush. There is no need to rush a week.

Councilmember Yukimura: I agree.

Council Chair Rapozo: I do not have a problem. I will call the meeting back to order so we can have the discussion.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: I do not have a problem. I think the crosswalk though, if I heard correctly, it is going to have to be Americans with Disabilities Act (ADA) accessible crosswalk, which means it is going to come with significant costs. So that is something that we would have to explore, and I think what I heard the Administration say is they are going to have Sheraton Kaua'i Resort pay for that. Let us deal with their Resolution and if we send it to Committee, that is fine. But I do not think we should be doing the crosswalk discussion. We can ask the Administration to give us an idea of what it would entail to do that, and if it is something we can do, of course we can do it. But from what I am hearing, it is a little more complicated than painting the road, which is what I thought it was. But if it has to be ADA accessible, that creates a whole new procurement contract and all of that. So we will see what they have to say about that. Councilmember Yukimura and then Councilmember Chock.

Councilmember Yukimura: Can we have Public Works back?

Council Chair Rapozo: Sure. We will suspend the rules.

There being no objections, the rules were suspended.

Councilmember Yukimura: Now, can you just clarify what the status quo is?

Council Chair Rapozo: Sure, the status quo is...

Councilmember Yukimura: No, I am asking Public Works.

Council Chair Rapozo: Oh, okay. You said, "Mel."

Councilmember Yukimura: I said "now."

Council Chair Rapozo: I am just playing with you. Go ahead.

Mr. Moule: So the status quo, and I just looked at Google street view. The Google street view is old, but this is also what my staff verified when they looked in the field. There are signs start right about here, the point to the right or east, and there are continuing signs all the way through here, about...

Councilmember Yukimura: That says "No Parking?"

Mr. Moule: That says, "No Parking Any Time." Point to the right, "No Parking Any Time." The last sign is right there, just west of this. By our review of the old Resolutions, that is what we believe the intent of the old Resolutions were, to prohibit parking from there to there. The signs match that now. What we are adding here is to prohibit parking...we are adding about sixty (60) total feet of parking prohibition from that sign to right there, which is already marked red curb. It is either at the driveway of the loading dock or marked red curb, and this fifteen (15) feet here. Part of it, most of that sixty (60) feet is literally in front of a ramp or in front of a driveway. Just fifteen (15) feet or so feet here, fifteen (15) feet to twenty (20) and maybe three (3) feet to four (4) feet either side of that actual ramp do not have a ramp or driveway in front of them. So it is very small areas. Two (2) parking spaces. If someone blocks the ramp, then we could fit one (1) more car there and people do park. The street view image shows it, and some of the aerial images that I have looked at shows a car parked right here where there is red curb, but no sign. The curb is red. You can see in the picture, the curb is red and there is a car parked there because there is no sign east of that. So we are literally adding sixty (60) feet of no parking to what we believe the intention of the old Resolutions were, and what the signs match on the road today.

Councilmember Yukimura: Okay. Alright, thank you.

Council Chair Rapozo: Thank you. Chip, I have one (1) question for you only because you there all the time. Is there an issue with commercial parking down there, more specifically, surf schools?

Mr. Bahouth: Along Ho'onani Road that we are talking about, no.

Council Chair Rapozo: Even further down?

Mr. Bahouth: Further down, the surf schools used to park down in...we have public parking designated down in a lot according to our zoning.

(Councilmember Brun was noted as present.)

Mr. Bahouth: The surf schools used to come down there, take the signs down, park, and so forth. So we had an issue with that.

Council Chair Rapozo: Okay.

Mr. Bahouth: Knudsen Trust allowed the surf schools to be in that lot that they had there at one time, and then subsequent to that for insurance reasons or so forth, they were asked to leave by Knudsen. Then, they started to drive their trucks in and parking in the public parking areas down there and operating their business out of the back of their commercial vehicles in that area. We resigned the area and then reinforced the areas with notifications to those commercial companies to tell them that they cannot be park in the public areas. They were upset about it, but the spaces were for the public and not for commercial use.

Council Chair Rapozo: Right.

Mr. Bahouth: Since then, they now drive down. They drop off their people that are going to go to the surf school lessons and so forth, bring their boards down, drop them off, do their business, come back down, pick up their customers, and then take the boards away. That is kind of how it operates now, which is fine by us. It is fine by us in the sense that now, there is actually public parking for people that want to go and use beach and not from a commercial standpoint.

Council Chair Rapozo: Thank you. With that, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Do you folks want to refer this to the Public Works / Parks & Recreation Committee?

Councilmember Kagawa: No. I think now that they have clarified my assumption, which my last recollection, I thought it was further down towards the *mauka* lobby entrance. Actually, this Resolution is really a small sliver and then,

that small sliver east. So I have no problems with trying this in the name of safety. Again, we just always have to be careful with the public needs. Sheraton Kaua'i Resort has been, I believe, a good neighbor to the public in allowing the public to traverse and get to popular surf areas. So I am going to be supporting this Resolution for the sake of safety. Thank you.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: I mean, for me, whatever we have to do for safety and the rest needs to stay in parking for the public as much as possible. I do not want parking wars in that corridor. In fact, I think this is a message to me to Public Works that whole Po'ipū area has significant parking issues, and like everyone else around the table, has received calls about what about from Kiahuna to Keoki's Paradise? What about Kapili Road? Those are all issues that we are getting constant calls on. I think that it would behoove us to take a look at the whole area and its need, but I am happy to move forward on this. I think to move on this Resolution and then to come back to see how it is working is what I would like to see happen. If there still are safety concerns, Chip, please let us know and we can move from there. Thank you.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I too, have received calls about Po'ipū Road and a lot of parking problems, because I guess this item on the agenda has triggered a lot of thoughts about parking in Po'ipū. I think one (1) mistaken impression was that were trying to ban parking further west, right, toward Kukui'ula. Certainly, that is a really important parking area that we are not trying to affect. So I think this is a reasonable solution in terms of safety right now. It is just that we have had parking problems around Grand Hyatt Kaua'i Resort and Spa, we have parking problems around Kiahuna Plantation Resort Kaua'i by Outrigger, Marriott's Waiohai Beach Club, and Po'ipū Village Shopping Center. If you recall, I do not know if you came to the parking workshop that we had in Po'ipū, one (1) of the things we were told by a transportation consultant is that we have to look at not only at parking supply, but also at parking demand. We are doing a shuttle study for Kōloa/Po'ipū so that if they are short trips that are being made around Po'ipū, people can take a shuttle rather than bringing their car. Also, if we can find really good ways for workers from the west side to come into the Po'ipū resort area, they will not have to bring their cars, they will save a lot of money, and there will be fewer parking problems for the resorts. I think we need to look at the big picture, too, and I am hoping that we can address this problem from several angles so that we can effectively solve the parking problems.

Council Chair Rapozo:
Roll call.

Anyone else? If not, the motion is to approve.

The motion for adoption of Resolution No. 2017-35 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

SCOTT K. SATO, Deputy County Clerk: Seven (7) ayes.

Council Chair Rapozo: Motion carried. With that, we will take a ten (10) minute cation break. Ten (10) minutes.

There being no objections, the meeting recessed at 10:31 a.m.

The meeting reconvened at 10:46 a.m., and proceeded as follows:

Council Chair Rapozo: Can we have the next item, please.

(Councilmembers Brun and Yukimura were noted as not present.)

C 2017-122 Communication (04/25/2017) from the Public Access, Open Space and Natural Resources Preservation Fund Commission, transmitting the Commission's recommendation to use its dossier process to recommend acquisition of a Hanalei coastal property at Tax Map Key (TMK) (4) 5-8-012:002, Hanalei, Kaua'i. *(Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002)*

(Councilmember Yukimura was noted as present.)

Councilmember Kagawa moved to receive C 2017-122 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2017-122 for the record, was then put and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion).*

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-123 Communication (04/25/2017) from the Public Access, Open Space and Natural Resources Preservation Fund Commission, transmitting the Commission's recommendation to use its dossier process to recommend acquisition of a Kekaha coastal property at Tax Map Key (TMK) (4) 1-2-013:041, Kekaha, Kaua'i. (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*)

Council Chair Rapozo: Can I get a motion to receive?

Councilmember Kaneshiro moved to receive C 2017-123 for the record, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you very much. Is there any discussion or public testimony? Councilmember Yukimura.

Councilmember Yukimura: May we ask questions at this point and have Planning come before us?

Council Chair Rapozo: We have them scheduled for after the public hearing.

Councilmember Yukimura: Oh.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I had a follow-up. Which item does Mr. Blake want to speak on, because I feel like we can possibly do some of the work that he is not directly interested in rather than wait for all the items for him and he may not even be interested in some? Is he interested in testifying on all or do we not know?

Council Chair Rapozo: I think the bigger problem we have pre-set the time, so for members of the public that called and requested it, they were told that it was going to be taken in the afternoon. So I think more for the public...

Councilmember Kagawa: Let us just wait?

Council Chair Rapozo: ...that is why I am hesitant to take this earlier.

Councilmember Kagawa: Alright. My suggestion is then, let us just wait because I would not want to duplicate testimony.

Council Chair Rapozo: Yes, and we will not do it. If we discuss it now, I can tell you we will not discuss it later. But like I said, because the accommodation has been made, members of the public may have been told. I am not sure who told you, "Hey, do not go early because it will take up after the public hearing," and I just do not want have people come down here and not have the item.

Councilmember Yukimura: So...

Council Chair Rapozo: Hang on. Councilmember Kaneshiro.

Councilmember Kaneshiro: I see Tessie biting at the bit also. I do not know if she wanted to testify now.

Council Chair Rapozo: I will take public testimony. I am just not going allow the discussion with the Administration until later if you want to come testify on these. Tessie, did you want to testify on any specific one? Okay, I will suspend the rules if you want to come up.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Just so that you know, your testimony on this Communication will be accepted for the Bill as well.

Ms. Kinnaman: Tessie Kinnaman, for the record. All I wanted to know was the location and the information on that Kekaha property.

Council Chair Rapozo: We can provide that for you. I can have staff get you a packet of what is on the agenda.

Ms. Kinnaman: Okay.

Council Chair Rapozo: Do you want the specific address?

Ms. Kinnaman: Well, it has the Tax Map Key (TMK) here. I thought I had heard it was a prior property that included two (2) properties; we would purchase one (1) and then the second one, which has a Chinese graveyard.

Council Chair Rapozo: That is the one.

Ms. Kinnaman: Are we talking about both properties or just about the Chinese graveyard?

Council Chair Rapozo: No, the adjoining property.

Ms. Kinnaman: Okay. I just wanted to say that I am against that purchase.

Council Chair Rapozo: Okay.

Councilmember Yukimura: You are what?

Ms. Kinnaman: Because I think we have problems with the veterans.

Council Chair Rapozo: She is against the purchase. This is just the first reading. It will come up later. It will go to a public hearing and then back into

the Committee, so there will be many opportunities. We will get a formal presentation by the Administration, which will describe the entire thing.

Ms. Kinnaman: Okay, because I do not think I will be here at 1:30 p.m.

Council Chair Rapozo: Okay.

Ms. Kinnaman: Thank you.

Councilmember Yukimura: Can I ask a question? So you against the purchase of the property. I just wanted to know why?

Ms. Kinnaman: If it is for public access, there is already have public access to the beach there. I would think the Kekaha community would be very interested in that more so than the County because the Department of Parks & Recreation has a hard time keeping up with all of what they have to take care of, and then, we are going to be responsible for the graveyard also? You have a hard time keeping up with our veterans' graveyard. It is just my opinion.

Councilmember Yukimura: Okay.

Ms. Kinnaman: We already have public access going to the beach, so it is not like we do not have any. Besides, you cannot build anything at least as far as I know. You cannot build anything or even put a restroom on the property. It is the same thing with the property down the street, Evslin's property. That is the same thing. That is my rationale.

Council Chair Rapozo: Okay. Thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: I am sure we will be asking a lot of those questions. Anyone else? Seeing none, we will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion on the floor is to receive.
Councilmember Yukimura.

Councilmember Yukimura: Just procedurally, we are going to receive these, but when it comes to the actual ordinance itself...

Council Chair Rapozo: The Bill.

Councilmember Yukimura: The Bill, then we will have the briefing?

Council Chair Rapozo: Yes.

Councilmember Yukimura: Okay, that is fine. Thank you.

Council Chair Rapozo: Go ahead, Councilmember Kagawa.

Councilmember Kagawa: I just wanted to make sure that we are going to try and, I guess, just gather some information. But my hope is that we will keep with the normal process and do much of the work in Committee. I think that is why we have Committees. If not, we just should have Council Meetings.

Council Chair Rapozo: Yes, and that is the plan. The idea is to give the public as much information as we can before the public hearing, so that when they show up for the public hearing. Like Tessie today, she is not familiar with the location and the site. After the briefing, they will be and then they can come up – including Councilmembers, too. We want to be briefed before making sure the public comes up and they can testify on what is really relative. So with that, it motion is to receive.

The motion to receive C 2017-123 for the record, was then put and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2017-125 Communication (05/05/2017) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2017-2018 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter: Councilmember Kaneshiro moved to schedule public hearing for May 23, 2017 at 8:30 a.m., and referred to the May 31, 2017 Council Meeting, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I just again, want to commend Budget and Finance Committee Chair Kaneshiro. I think he did a fabulous job given the constraints facing the County, the issues facing the County, and the different attitudes and values that Councilmembers have. Yet, we came up with, I believe, a workable solution that is something that we can all be proud of that we all had input on. Again, kudos to Budget and Finance Committee Chair Kaneshiro for really doing a great job leading the charge. Thank you.

Council Chair Rapozo: Thank you. Are there any other comments?
With that, the motion is to schedule a public hearing.

The motion to schedule public hearing for May 23, 2017 at 8:30 a.m., and referred to the May 31, 2017 Council Meeting was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2017-13) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2017-11 Communication (04/26/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing regarding the Kauaʻi Resource Center and County Recycling contracts, including the current status of all related contracts, what actions the County has taken to address any reduction in services for residents, businesses, and what the County’s end goal is for offering recycling services, et cetera,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2017-04) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Received for the Record:

“EDIR 2017-04 Communication (04/24/2017) from Councilmember Chock, requesting the presence of Dr. Janet Berreman, Kaua‘i District Health Officer, and Dr. Sarah Park, State Epidemiologist, to provide a briefing on the potential risk of Rat Lungworm disease in Hawai‘i,”

Councilmember Kawakami moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua‘i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

Council Chair Rapozo: Next item.

PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

A report (No. CR-PST 2017-04) submitted by the Public Safety & Transportation Committee, recommending that the following be Received for the Record:

“PST 2017-02 Communication (04/13/2017) from Council Vice Chair Kagawa, requesting the presence of the Chief of Police and the Director of Human Resources, to discuss the recruitment and hiring practices for Kaua‘i police officers, and the efforts being made to attract and qualify Kaua‘i residents for these positions,”

Councilmember Yukimura moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua‘i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

Council Chair Rapozo: Motion carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2017-04) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2017-02 Communication (03/30/2017) from Council Chair Rapozo, requesting the presence of the Director of Human Resources, to provide a briefing on the negotiated agreements for all collective bargaining units over the last twenty (20) years, as it relates to salary increases, increased benefits, and other raises received (e.g., standard of conduct differential pay, other allowances, et cetera),”

Councilmember Chock moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

Resolution No. 2016-60 – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN: Councilmember Yukimura moved for adoption of Resolution No. 2016-60.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I think we wanted to defer this, right?

Council Chair Rapozo: Yes, there has been a request to defer. We need to get it on the floor, so if you could second the motion for adoption.

Councilmember Kagawa seconded the motion for adoption of Resolution No. 2016-60.

Council Chair Rapozo: Yes. There has been a request to defer this until August 9th, but the Planning Department is here. I guess let us start with that. Councilmember Yukimura.

Councilmember Yukimura: Who is making the request to defer?

Council Chair Rapozo: The Administration.

Councilmember Yukimura: Okay.

Council Chair Rapozo: I do not know why. We are going find out right now. With that, the rules are suspended.

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Deputy Planning Director: Good morning, Council Chair Rapozo and Members of the Council. Ka'āina Hull, on behalf of the Planning Department. Ultimately, we requested deferral back in February because we needed to procure the services for an appraiser to do an appraisal of potential severance damages should the County proceed with condemnation of the property. An appraiser was selected; however, essentially unfortunately due to family emergency, he was not able to get the Purchasing Office the necessary procurement paperwork. He had been out-of-state for a couple of months. He has since return, he has provided Purchasing with the paperwork, and we are proceeding forward. But that is ultimately the reason for the request for a deferral.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Who has been selected?

Mr. Hull: Curtis Bedwell, as the appraiser.

Councilmember Yukimura: And does he has qualifications to do this kind of appraisal?

Mr. Hull: Correct.

Councilmember Yukimura: Curtis Bedwell. We had to wait because we had no second person in line...

Mr. Hull: There were...

Councilmember Yukimura: ...if he did not finish the paperwork?

Mr. Hull: There were other bids. The Selection Committee essentially selected him as the consultant in particular, so he was selected. However, he just needed to get that paperwork to Purchasing.

Councilmember Yukimura: How much of a delay is that causing?

Mr. Hull: Well, it was a couple of months delay. It has since been remedied. He has provided the paperwork to Purchasing.

Councilmember Yukimura: What is his due date?

Mr. Hull: As soon as Purchasing officially awards it, they have the paperwork, they just need to officially award it, and once they officially awarded, he has a thirty (30) day deadline.

Councilmember Yukimura: Okay.

Council Chair Rapozo: I just have a really quick follow-up. He was away on the mainland you said?

Mr. Hull: Sorry, I misspoke. He was here, but he was just tending to that particular family emergency.

Council Chair Rapozo: Okay. When did we defer this? February? We deferred it on February 22nd, and I cannot remember. We deferred it because we wanted an appraisal. Did we go out? I guess I am trying to figure out when this person bid?

Mr. Hull: We literally put it out in February.

Council Chair Rapozo: Okay.

Mr. Hull: We had not received the necessary bids when we came to Council. It was out in February. So essentially after we came to Council, the bids were closed essentially, and we selected this particular individual.

Council Chair Rapozo: When was he selected?

Mr. Hull: I want to say that was in March.

Council Chair Rapozo: I guess when...that is alright. That is fine. March or so. When did he turn in his documents to Purchasing? I guess I want to know where the holdup is. I understand he had a personal emergency or whatever. So he does his thing, he turns in the paperwork, and when did Purchasing get it?

Mr. Hull: When they requested that additional paperwork above and beyond what he had submitted, that occurred in March. But that was the time he was going through that particular situation.

Council Chair Rapozo: Okay.

Mr. Hull: He has submitted that documentation, I want to say a week and a half ago.

Council Chair Rapozo: Oh, okay. So this is all the happening right now?

Mr. Hull: Yes.

Council Chair Rapozo: Okay. I understand it. Got it. Does anyone else have questions? Councilmember Kagawa

Councilmember Kagawa: If you can go back in time a little bit. What was the initial projections that we had without having the exact figure for the appraisal? What was the number we had looked at or that we had guesstimated total to acquire and improve so it is in working condition?

Mr. Hull: I know that the number one million dollars (\$1,000,000) has been floating out there.

Councilmember Kagawa: Okay.

Mr. Hull: But I do not want to use that as an...

Councilmember Kagawa: If it is that, it is that.

Mr. Hull: No, and that is what I am saying. I know it has been discussed and floated, but that honestly is not the official...ultimately, once we get his appraisal for severance, Nani can get me the number of the actual value of the property that the appraisal was done. But once the severance appraisal is done, that will be another figure, and then to a certain degree, Planning is going to take a step back and Mauna Kea gets to take the platform and have that discussion with you folks as far as what the attorney's fees are going to be, because if condemnation happens relatively quickly at the first discussion point, the attorney's fees may not be that high. But if it goes up to the Supreme Court, it keeps on going.

Council Chair Rapozo: We do not do very well with condemnations. I can tell you that. It is not going to happen quickly. I think it is contested, and that is not going to be friendly.

Mr. Hull: Yes.

Council Chair Rapozo: So it is going to cost money.

Councilmember Kagawa: I guess the reason why I asked is there are two (2) sides to this one. I think the local Kōloa community and the Po'ipū community support it. I think Tessie brought that. You saw the list of names supporting it. But I think even for them, everything has a price. I am wondering have we, and not to say that we are going disclose it on the floor, because I do not think that is good to be disclosing what that amount is. But at what point is the price not worth it for the County? I mean, not worth it, but just not a good financial decision for this County. Is it seven hundred thousand dollars (\$700,000)? Is it three hundred thousand dollars (\$300,000)? What is that amount that even the people supporting it feel that

“Okay, maybe at that price, we can do better fixing up an abutting property that the County already owns or what have you.” Have we tried to gather that kind of information, because I think that is a win-win, when you have a number that finally comes out ultimately in the end that even the proponents would say, “That is absurd. That is too high.” Have we gathered any kind of projection that perhaps the supporters would say that, and that would make our decision easier, I think?

Mr. Hull: All I can say, Councilmember Kagawa, the specifics in this one was not done and the reason being, kind of like what Council Chair Rapozo is pointed out with a contested situations where it is an unfriendly acquisition. The length of proceedings can be dragged out exponentially, and the attorney’s fees involved with that, whether they be ours or even if it becomes part of the condemnation proceedings we have to cover the landowner’s attorney’s fees. It could go from zero dollars (\$0) to several hundred thousands of dollars depending upon how long the process, and depending on how many appeals should the County decide move forward, the landowner wants to lob back at us to go to the courts. So that is why initially, to a certain degree, the Department was hesitant about moving forward on the condemnation process. At the end of the day, the Public Access, Open Space, Natural Resources Preservation Fund Commission has the final recommendation authority to this body, so it has come forward to you folks. But to do the assessment of what it will ultimately will be is going to be very hard just because of the proceedings themselves.

Councilmember Kagawa: So we have a big question mark on this one?

Mr. Hull: Yes.

Councilmember Kagawa: With a big question mark, it is hard to even gather consensus out in it the public?

Mr. Hull: Yes.

Councilmember Kagawa: Okay. Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Does anyone else have questions?
Councilmember Yukimura.

Councilmember Yukimura: We have gone over this before, but we went through an appraisal on this property. We did not scope the appraisal to include these severance damages, and therefore, we are lacking really critical information. So for these other proposals, I want to see a certified appraisal because otherwise, we do not have key information in order to make the decision.

Mr. Hull: I hear you, Councilmember Yukimura. I think we can have that discussion on the appraisals for those other properties when the Bills comes up. But I hear that concern, but I think we will discuss that during the Bills.

Councilmember Yukimura: Okay. I am hoping we have appraisals.
Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank
you very much.

Mr. Hull: Thank you.

Council Chair Rapozo: Anyone in the audience wishing to testify?
Seeing none, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back
to order, and proceeded as follows:

Council Chair Rapozo: There is a request...I am sorry.

Councilmember Chock: Tessie.

Council Chair Rapozo: I am sorry, Tessie. I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

Ms. Kinnaman: I am always late.

Council Chair Rapozo: Did you provide that already? Is that new?

Ms. Kinnaman: A little bit.

Council Chair Rapozo: A little bit? Tessie has provided a very
comprehensive analysis of this.

Ms. Kinnaman: Tessie Kinnaman, for the record, again. I just
wanted to point out and thank Planning Committee Chair Chock on this item for
following up on the McCastan clean-up. As you can see from the pictures, compared
to the previous ones, it cleaned up very nicely just to give you a view of what the
Hoban purchase would look like. It is not as hard as you think it is, aside from going
to court. When is the Department asking the deferral is till? August?

Council Chair Rapozo: I am sorry.

Ms. Kinnaman: When was the deferment until?

Council Chair Rapozo: To get the actual appraisal of the property
that is being proposed to be condemned.

Councilmember Yukimura: The appraisal of the severance.

Ms. Kinnaman: Yes. So next meeting will be when?

Councilmember Yukimura: August 9th is the proposed deferral date.

Ms. Kinnaman: Okay. I do not know what else to say. The only other thing I would like to say is if somehow you could put some kind of amount in an escrow fund. I mean, all of these other purchases requested from the Public Access, Open Space, Natural Preservation Fund Commission people. How much money is in the fund to begin with?

Council Chair Rapozo: Four million dollars (\$4,000,000), I think.

Ms. Kinnaman: Oh, okay.

Council Chair Rapozo: Six million dollars (\$6,000,000). Sorry.

Ms. Kinnaman: So if you ask the community, it is priceless because it is one-time whether it is one million dollars (\$1,000,000) or not, and it will serve generations after we are all gone. I am sorry, but it is not like the golf course where we have to pay one million dollars (\$1,000,000) every year for it. I mean, this is priceless. I would compare this issue to Kaua'i Springs issue, because it is pretty much cultural rights and this is...I am talking about gathering besides the access, but important for us. Thank you.

Council Chair Rapozo: Thank you. With that, I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion before I will entertain the motion to defer? If not, can I get a motion to defer to August 9th?

Councilmember Kagawa moved to defer Resolution No. 2016-60 to August 9, 2017, seconded by Councilmember Kaneshiro, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

Resolution No. 2017-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Wyatt B. Angelo*): Councilmember Kagawa moved to receive Resolution No. 2017-34 for the record, seconded by Councilmember Kaneshiro.

Councilmember Yukimura moved to approve.

Council Chair Rapozo: The motion is to receive. Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I made the motion. I thought a long time about this appointment, and based on the interview, at the outset I was very impressed with the credentials, being an attorney, being so interested in government, and actually having experience in dealing with government. But I think we need to be careful with the Charter Review Commission. It could be very dangerous to have someone not know the history/culture of Kaua'i and government of Kaua'i. It is not the same as some of the big cities on the mainland. I would hope that perhaps if there is another Commission better suited for this individual, that we would accommodate him. But I think as we have seen what kind of costs the Charter Review Commission in the recent budget. We talked about the County Auditor and Boards and Commissions. Then, when you look at the amount of registered voters that go out to vote, you look at some of the comments, you hear from the voters that they did not even really pay attention to the consequences of some of the actions, and then only to find out later that there is a big cost associated with some of the items. Again, I think the process that we have with the Charter Review Commission needs more clarity, as Councilmember Chock sometimes likes to say, and giving clarity to the voters on these items. I think the best way to prevent any miscommunication with the voters is by having really well-thought items come on the ballot. You do the due diligence prior, the reaching out to the communities, and I think a better job of reaching out to the communities and educating them on the different choices that are coming up. I think that needs to be improved and certainly, I think in this case, we can do better with a selection. For the first time in my history that I recall, I will not be supporting this individual. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I think this gentleman might be one of the most qualified people that has been appointed to the Charter Review Commission based on his background. He is a lawyer, he understands it, his answers to questions showed that he knew how to deal with public policy, and it also showed that he was willing to do research and address some of the issues we have concerning the way that Charter Amendments are deliberated and are approved or disapproved. So it is somewhat shocking to me that we would not approve him because he does seem he had the qualifications and skill that are needed.

(Councilmember Brun was noted as present.)

Councilmember Yukimura: For the Charter Review Commission, there are some kind specialized skills. Not everybody can deal with the issues that come up before the Charter Review Commission. So I will be votes against the motion to receive.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Kaneshiro.

Councilmember Kaneshiro: For me, I did have hesitations. I think the length of residency, not saying that it is a qualification, but sixteen (16) months when I look at a person for a Board, I am looking at how well-rounded they are, what their qualifications are, but also, what their involvement in the community is, who do they

know, and what type of accountability do they have on the island. Those are the types of things I take into consideration. I think Wyatt has an unreal resume. I think he has a lot of experience, but I think the one (1) part that he may be lacking is how long he has been in the community and interaction with everybody. That is just my own personal feeling on it. I think if he has been around here a while, he joined some clubs, joined some organizations, is involved in the community, and I am sure he will do that. He looks like he is a very active resident. I think once he has that type of experience, then I will be comfortable voting for him. But just based on for me, I am looking at the overall, and I do have my hesitations. I will be voting to receive this Resolution.

Council Chair Rapozo: Anyone else? Councilmember Chock.

Councilmember Chock: Yes. I did not have any red flags like what I am hearing. I hear the concern about maybe not having enough time here. So I guess at this point, I am kind of in the boat of supporting moving him forward. I will be probably voting against the current motion.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: The reason why you do not have just one (1) person making the decision is you have different skills and different contributions from a diversity of people around the table. The issue of community knowledge or involvement in the community is definitely a concern, but when you have many other members who have that to contribute, then you do offset any lack of that attribute in the person and that person can bring a lot of insight and knowledge about Charter structure and government policy that those who might have long-term presence in the community do not have. That is why there is a synergizing of the different contributions. So, to require everybody to have every aspect is unrealistic, and I do not think gets the qualities that you need around the table. This feels like a kind of deep prejudice to me that is at work here. We need to have people who have different backgrounds. Some people have been here a long time, we have other Commissioners that have not been here that long in other Boards and Commissions, and others who have been here very long. They each bring different attributes to the table and to exclude somebody who has a lot to offer, just does not make sense to me.

Council Chair Rapozo: Go ahead.

Councilmember Kaneshiro: I do not know if I need to say it, but this has nothing do with prejudice. I am just saying when we are looking at a candidate, I am looking at the overall person. What kind of skillsets do they have? How long have they been here? What type of relationships do they have? What is their accountability on the island? It has nothing to do with, and again, it is not even how long he has been here. We had Rose who just came up. She has been back for three (3) years, she is the President of the Rotatry Club, she is a member of the Kaua'i Filipino Chamber, I see her at the regular Chamber of Commerce, I see her very involved, and I see her around. It is just the accountability aspect of it, too, for me. Overall, I think he has a great resume. I think he will do great being a resident here and wanting to

participate in other Boards. I am just looking at the overall and that is my vote. There is no prejudice against anybody. I do not know even why that word came up.

Council Chair Rapozo: That is frustrating to me as well. I tell you what is shocking today is I thought it was going to be a 6:1 vote, because I am not going support this person, and I will tell you why, but I will also tell that girl, if I had to vote today, I would not support her either. She was not prepared. She did not know what the Commission was about. She had no idea what Commission she had. She is scared and she is here. I would not vote for her. Is that discriminating because she is a woman and because she is dark-skinned? That was a horrible thing to say. This is our opportunity. I have never seen a Mayor's appointee get stopped at this level, never. I have never voted against a Mayor's nomination to any Commission in all of the years that I have been here because I always felt that it was his prerogative to pick someone. But I will tell you why I am going to support the receipt, number one, I think the time on the island is critical for the Charter Review Commission. My God, that is the document that guides this County going forward. There is a need to have some sort of product knowledge. The product here is our island and our people, our cultural knowledge, the knowledge of how this County operates, the cultural side of it. What concerns me the worst, and I asked him the question about it when he was here, was he looked at it as coming up with the Charter Amendment proposals and then trying to sell it to the community. Do you know what? To me, that is a problem that we have. That is why we have a Department of Parks & Recreation costing more today than it ever did. That is why we have an Office of the County Auditor because that is what they did. They sold that one-sided issue to the public.

The Charter Review Commission is a very critical, critical Commission. I will be honest and this is not discriminating, or racist, or what. I get tired when people come here and tell me, "Oh, in Oregon, or San Francisco, or San Diego, we do it this way," that is what I heard. "Oh, in this jurisdiction where I was at..." No. We have a perfect structure here. We have a great island. We do not need to go be like anyone else. We need to develop and enhance what we have. We do not need to replace our culture with Oregon or San Diego. You are seeing it as we move forward. Hardy Street, Rice Street, and all of this. It is not expanding our local Kaua'i culture. No. We are importing cultures from other places and I do not like that. Is that racist or discriminating? Absolutely not. It is called hanging on to what you have. That is how I look at it. I do not care what color you are or what. The fact that you are a lawyer does not mean that you qualify for everything on Earth, much less than a doctor or anybody. My gosh. This Commission looks at how the governing body is going to move forward and how this County will operate. Whatever, thirteen (13) months or sixteen (16) months? I am not sure what Boards and Commissions are doing right now, but the lady today should not have been here today. This gentleman, in my opinion, should not have been here for the interview. I agree with Councilmember Kagawa that there are other Commissions that I would fully support this gentleman, but not the Charter Review Commission. Why is it so difficult to put a posting out there? We have long-living community leaders on this island that would fit this Commission and they are from Hanalei to Kekaha. We could not find someone that has the product knowledge and cultural knowledge to sit on a very important Commission? I am not sure what the direction our Boards and Commissions is moving towards, but that is two (2) in a row for this Commission that really, I do not

think is conducive. I do not. You have a woman that says, "I am afraid, I do not know." She does not even know what this Commission is about. This gentleman came from other jurisdictions, which I had the feeling that he was going to be trying to import some of the things that were successful somewhere else over here. I am sorry, I do not go down that road. Let us develop what we have. Let us improve what we have. But it does not mean because they are from somewhere else, that it is better. That bothers me. I know it is going to offend a lot of people, but that is the reality is that is how I feel. If we want to take care of Kaua'i and we want to keep our culture different from everywhere else, then we best hang on to what we have, and I think that is my reason.

Again, I am surprised because I really did think it was going to be a 6:1 vote. But I think that is what this process is about, vetting them out and being honest with ourselves and being honest with the people. I have absolutely no problem with anyone supporting this gentleman because he is very qualified. His resume is very impressive, but for what I see in the Charter Review Commission, he does not fit the bill. It is nothing personal, absolutely nothing personal. Anything else? Councilmember Yukimura.

Councilmember Yukimura: Enhance what we have and how to hang on to what we love, that is not a simple thing. It is a hard thing. It is a really hard balance to make. So if we learn from other places how to do that, we investigate new ideas and then we apply them in a way that we think will work on this island. That is the way to do it. To think that we know it all here just because we have lived here all our lives is to close ourselves off to a changing world and not be able to address the things that are happening here on our island, and not be able to enhance our ability to preserve, protect, and to keep Kaua'i, Kaua'i. We have to be open to new ideas and to new people, but we have to make sure that it applies well here. I did not hear him saying that he would do anything but that. Also, you talk about having a Department of Parks & Recreation was the wrong idea and was really a bad thing. It is very likely that if we had kept Parks as a Division of Public Works, it would still be very expensive and cost more money, because we have a growing community that we have to serve. We have to accommodate our community and provide those things that they need, that a growing community needs. So I do not think that creating a Department of Parks & Recreation was the wrong thing to do. But the Charter Amendments have to be carefully drafted. When he said "sell to the public," what he meant was we have to go out there and talk to the public about these Charter Amendments and really help them understand why we have decided to put it or we are considering putting it on the ballot. That is a way of educating people so that the vote in the end will be more informed. All of that is very positive, very insightful, and what we need on the Charter Review Commission.

Council Chair Rapozo: Councilmember Kagawa. I do not want to debate. Just explain why and whatever.

Councilmember Kagawa: To try and rationalize that people from the mainland with a lot of experience are better suited to make decisions than people from Kaua'i, to me, can be looked at as prejudice as well. For me, I think higher of our own people, actually, on Kaua'i who have lived here and have experienced it. I

believe they can make the best decisions for our island. I think the thing I appreciate most about Councilmember Hooser was that he used to say, "Good people can disagree." It is tough when you have a feeling that is strong that you want to vote away and to be called prejudice on the backend is clearly attacking and ridiculous. I do not think we need that here at this table. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I just wanted to kind of bring up why this is decision on Commissions has always been kind of difficult for me. I think I have highlighted it before. What it means for me is I understand the Mayor's Office has their right to choose whoever they want and we have the same right as well on this end. But what I think is missing in the process, which makes it very difficult for us to stand behind a candidate or any candidate is really a set of criteria objectives that we can start to move towards and agree upon. The things that we are talking about, I think, are on the table are really important things such as how much time they have spent here or how much experience or skills they have. But I think those things get lost and could look political. I am sure they are not or could be, but nonetheless, I think that when we talk about us coming together and coming up with something that we can agree upon in order to get the best people that we want on these Boards and Commissions, we certainly have not spent that time and effort to do it. It is something that I think has been lacking and continues to make it very difficult to vet these people as they come to my purview. I just wanted to mention that, Council Chair Rapozo. Thank you.

Council Chair Rapozo: Councilmember Yukimura, you spoke three (3) times already. I will let you wrap up whatever if you want to respond or what, but just limit it. This will be your last time.

Councilmember Yukimura: Thank you very much. I want to make sure that people know that I did not say that people from the outside are better. I said they may have something to contribute, and when you put it together with all of the other contributions, people who have been here for a long time who have that perspective of a long view and the people who have specialized skills, both who are on the island who have been here for a long time or for a short time, that when you can get the best decision-making. We are not talking about somebody being better than the other. We are talking about how we can get a good selection of good people who have the mix of skills that we need to make the best decisions.

Council Chair Rapozo: Anyone else? The motion is to receive. Roll call.

The motion to receive Resolution No. 2017-34 for the record was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kagawa, Kaneshiro, Kawakami,	
	Rapozo	TOTAL – 5,
AGAINST ADOPTION:	Chock, Yukimura	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,

RECUSED & NOT VOTING: None

TOTAL – 0.

Ms. Fountain-Tanigawa: 5:2, motion passes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2017-36 – RESOLUTION APPROVING NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2018: Councilmember Chock moved for adoption of Resolution No. 2017-36, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-36 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2650) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2017 AND JUNE 30, 2019

Council Chair Rapozo: Can I get a motion?

Councilmember Kaneshiro moved for passage of Proposed Draft Bill (No. 2650) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Committee of the Whole, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call.

The motion for passage of Proposed Draft Bill (No. 2650) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent, but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item.

Ms. Fountain-Tanigawa: The next items are the public access items.
Did you want to hold that until after lunch?

Council Chair Rapozo: Yes.

Ms. Fountain-Tanigawa: This is on page 7.

Council Chair Rapozo: Okay, so that is it.

Councilmember Yukimura: Council Chair Rapozo?

Council Chair Rapozo: Yes.

Councilmember Yukimura: I did ask Christiane to give me Tax Map Keys that actually highlight the lots. So I was wondering maybe we can share that. I think there should be four (4) maps, right?

Council Chair Rapozo: There are four (4) properties, so there should be four (4) maps.

Councilmember Yukimura: Yes. So maybe we can have that after lunch.

Council Chair Rapozo: Okay. I am assuming, Scott, that is all prepared for the presentation. I am assuming they are going make a presentation. Okay. With that, you folks get a...go ahead.

Councilmember Kagawa: So the schedule is 1:30 p.m. public hearing, followed by a certificate for National Police Week, followed by the remaining Bills?

Council Chair Rapozo: Yes.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: With that, we will take a very early lunch break. We will be back at 1:30 p.m. sharp.

There being no objections, the meeting recessed at 11:31 a.m.

The meeting reconvened at 2:13 p.m., and proceeded as follows:

Council Chair Rapozo: Clerk, can we have the next item, please?

Proposed Draft Bill (No. 2651) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2651) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. With that, is the Administration...without going through the intricate details, talking about amendments, and so forth, what we want to do is give us a presentation of what is being requested with the goal of informing the public before the public hearing of what is being proposed. We will save all of the detailed discussion for the Committee Meeting. With that, I will suspend the rules. Thank you.

There being no objections, the rules were suspended.

Mr. Hull: Good afternoon, Council. Ka'aina Hull on behalf of the Planning Department. I also have members of the Public Access, Open Space, Natural Resources Preservation Fund Commission with me. I can allow them to introduce themselves.

THEODORE BLAKE, Public Access, Open Space, Natural Resources Preservation Fund Commission Chair: Ted Blake, Chair.

JETT JASPER, Public Access, Open Space, Natural Resources Preservation Fund Commission Member: Jett Jasper.

SHAYLYN KIMURA, Public Access, Open Space, Natural Resources Preservation Fund Commission Member: Shaylyn Kimura.

Mr. Hull: Looking at the Wainiha property that the Public Access, Open Space, Natural Resources Preservation Fund Commission just recently...before I get into the presentation, point of clarification on the letter that was sent to you folks, specifically to you, Council Chair Rapozo. On the back page right before the end, the letter goes into a recommendation that would be included in the supplement to the Mayor's budget. I want to clarify that was draft language when we were considering internally submitting to the Mayor for consideration in the supplemental budget. It was subsequently decided that it may not be the most appropriate venue, and we decided not to go through that avenue, but the language in the need to expedite it to you folks was accidentally left in the letter to Council. I want to apologize. That language should be...

Council Chair Rapozo: Which part of the letter?

Mr. Hull: The second page of the letter, the last full paragraph right before the list of attachments. It begins "While the general process..."

Council Chair Rapozo: Okay.

Mr. Hull: So I did not mean to give the Budget & Finance Committee Chair heart palpitations that we were looking to go into supplemental.

Council Chair Rapozo: Okay. Thank you.

Mr. Hull: So that should not be in there. My apologies. Recently, the Public Access, Open Space, Natural Resources Preservation Fund Commission met and has been reviewing the subject property since January of 2017. The parcel is located in the Hanalei area or more specifically, about a quarter (¼) mile to half a mile (½) north of the Wainiha Beach Park. It is located on the highway. It is the coastal property approximately point three seven (0.37) acres in size. The current assessed value under the real property assessment is five hundred seventy—six thousand nine hundred dollars (\$576,900). It is currently listed on the open market, so there is a willing landowner of owner to convey for acquisition, but the current list price is seven hundred ninety-nine thousand dollars (\$799,000) on the market. The Public Access, Open Space, Natural Resources Preservation Fund Commission has reviewed the subject property beginning in January, and found that it has met three (3) potential criterions for acquisition. The first being to provide public outdoor recreation and education opportunities. To preserve forest, beach, coastal areas, and agricultural land. This is more specifically to the coastal areas, and to conserve land, open space, and scenic values. Ultimately, this is a bit of a conundrum because of the fact that it right next door...the Department is in

agreement with the Commission in that it meets the criteria for open space and coastal property preservation, and it would provide potential pedestrian access to the beach area. However, in reviewing this project, the Department discovered that the next door adjacent property was supposed to have conveyed a pedestrian beach access to the County about twenty (20) to twenty-five (25) years ago. There appears to be some error on the County's part where while it was transmitted, it was never officially recorded. In reviewing that, it looks like there is a possibility for us to get a pedestrian beach access in close proximity to this property without any further costs. So at the last meeting for the Public Access, Open Space, Natural Resources Preservation Fund Commission, the Department gave an update stating that we are still reviewing with the Office of the County Attorney as far as opportunity for acquisition of a pedestrian beach access right next door. Given that was on the open market, the Public Access, Open Space, Natural Resources Preservation Fund Commission felt that it would be prudent to act now to move for acquisition in order to shore up the property for coastal preservation purposes. So ultimately, the vote was taken and it was an unanimous decision by the Public Access, Open Space, Natural Resources Preservation Fund Commission to move the recommendation to Council in an expedited manner. So that is essentially where that fits in a nutshell. We are open for questions, and I do not know if any of the Commissioners or Commission Chair have anything to add.

Council Chair Rapozo: Just real quick, the map we were provided, and I am assuming the subject property is highlighted in green, which parcel is...

Mr. Hull: The triangular lot that is on the Hanalei side.

Council Chair Rapozo: That is the one for condition for public access that we have not...

Mr. Hull: That was apparently transmitted, but never recorded. Now, I do not want to go too much into it because I believe we are in litigation with that property owner with the Office of the County Attorney. So any further discussion on that, I would defer to Mauna Kea.

Council Chair Rapozo: Okay, I got it. Councilmember Chock.

Councilmember Chock: Can you identify it? I am sorry, I did not catch where it is. Is it this one right here?

Council Chair Rapozo: It is the triangle.

Mr. Hull: Yes, it is right up there.

Councilmember Chock: Okay. Thank you. I am fairly supportive. This is a question that I am going to have for just about all the properties that you folks will be talking about. My concern is really about maintenance of the pieces of property that we are looking at. I know that we are struggling with that. Stewardship agreements have been part of the discussion, but I think that I want to feel comfortable that we have stakeholders who are going to make sure that they are

stepping in, and that those stakeholders, if there is any discrepancies amongst those stakeholders, for instance, there are people who different interest for the property can make sure that the agreement is there in stone so that we do not have anything that comes back to us in terms of conflict. So I just want to make sure that you can answer those things before.

Mr. Hull: I can say for this particular property, the maintenance is ultimately an issue when looking at open space preservation acquisition. It is. The fund is very specific, that it is to be used solely for acquisition purposes. We begin discussions internally and even with some the Commission members about whether it would be appropriate to come back to this body to look at amendment to the Charter to allow for funds to be used for maintenance, because if you can acquire it, what is the point if it cannot be maintained, cannot be identified, and locatable for the general public? In the next Bill you folks will be reviewing, we had a bit more time to work with the community, and we actually found potential partners. No agreement has been made in stone, but there was expressed interest in the community for the Kekaha parcel to enter into a stewardship agreement to maintain the potential acquisition. We did not have as much time with this particular property. I will not say that there is no interest of the community members in this area to enter into agreement for maintenance. Well, let me backtrack. The Department of Parks & Recreation also stated they are unable to provide resources for the maintenance of this property and would not advise that this property be acquired for park purposes. That is not to say that it should not be acquired for other criteria listed under the open space criteria for acquisitions. Just for park purposes, it is not advisable. So we cannot anticipate the Department of Parks & Recreation providing maintenance for this area. But is there potential for other community groups? There is, but at this point, we have not vetted that out, quite frankly.

Councilmember Chock: Thank you, Council Chair Rapozo

Council Chair Rapozo: Was the appraisal done?

Mr. Hull: An appraisal was not done for this property. An appraisal can be done, but in the discussions ultimately, we decided to use the real estate property assessment as a guide. It is obviously not going to be exact and precise as an appraisal, but the appraisal will add, at a minimum, two (2) to four (4) months additional time to procure those services and for the services to be rendered.

Council Chair Rapozo: Let me stop you right there. What is the holdup with the Hoban property?

Mr. Hull: Well, the appraisal...

Council Chair Rapozo: Exactly. Why would you not do the appraisal before coming to this body?

Mr. Hull: Well, the difference...

Council Chair Rapozo: Because the tax assessment could be very far apart. The market selling price could be very far apart. The law says market price. I guess we went through this discussion with Hoban. If you are coming to us for condemnation, the package has to be here. You have to let us know what it is going to cost.

Mr. Hull: To that point is, Council Chair Rapozo, that is the point, this is not for condemnation. With condemnation, you have a much longer time period because there is no closing window. With this particular property and ultimately in our discussions with the Public Access, Open Space, Natural Resources Preservation Fund Commission, the Department does not want to move forward immediately for other reasons. But the Commissioners felt it prudent because of the fact it is on the open market, and the longer it remains on the open market, the closer that window closes to being closed because of a potential buyer. I have to also acknowledge the fact that since that time that the Public Access, Open Space, Natural Resources Preservation Fund Commission acted, a potential buyer has come into the scenario.

Council Chair Rapozo: Unfortunately, it is what it is.

Mr. Hull: Yes.

Council Chair Rapozo: If you go to the bank to borrow money for a house, what are they going to ask for? An appraisal. I guess, and I am just speaking my mind. To me, that seems like before you come to this body, you would come with an appraisal and let us know what the cost is going to be. But anyway, Councilmember Yukimura.

Councilmember Yukimura: It is my understanding that we cannot pay more than the appraised value. So if the appraised value with the shoreline receding, it being very small, and the shoreline setback requirements, the appraised value is three hundred thousand dollars (\$300,000) to pay five hundred seventy-six thousand dollars (\$576,000). I do not think we can do it. Mauna Kea?

(Councilmember Kagawa was noted as not present.)

Mr. Hull: I am not sure, Councilmember Yukimura, what you are referring to, that we cannot pay more than the appraised value.

Councilmember Yukimura: We cannot pay more than the value of the property.

Mr. Hull: Well, I think in the fiduciary execution of your duties, you may decide not to vote if it is above the appraised value.

Councilmember Yukimura: Well, so we do not know until we get an appraised value.

Mr. Hull: To that point, we are more than willing to provide the appraised value. Why I was here before you folks without that appraised value is because in looking at it, the Public Access, Open Space, Natural Resources Preservation Fund Commission decided they needed to expedite this situation because it is on the open market, and that is all I am saying. We can, in future, look at the Public Access, Open Space, Natural Resources Preservation Fund Commission in their rules if they want to adopt that as a specific measure to forward to you folks because you folks would be unwilling to act on it without the figure. All I am trying to point out is the Public Access, Open Space, Natural Resources Preservation Fund Commission decided to take an expedited route say, "We need to send it up to them as quickly as possible."

Councilmember Yukimura: But you might have to go slow to go fast, because how can we make decisions without you a key piece of information? When you get that information, you can bargain. I mean, I do not just go to the willing seller and say, "Yes, we will pay you your price," especially if they cannot sell it. It has been on the open market for a long time.

Mr. Blake: Can I answer?

Councilmember Yukimura: We are going to give them five hundred thousand dollars (\$500,000) of taxpayers' money just like that? We are not saying, "Hey, your shoreline setback, you cannot build a house, or you can and it is going to be a really small one, how can you say it is going to be five hundred seventy-six thousand dollars (\$576,000)?" You show us. We need to bargain hard on behalf of the taxpayers.

Mr. Blake: I think...

Councilmember Yukimura: That is just kind of the bottom-line for me.

Mr. Blake: Can I reply to that?

Councilmember Yukimura: Yes.

Mr. Blake: Bargaining hard for the taxpayer, of course. I am a taxpayer. We cannot buy it if the person wants a dollar more than the appraisal? That does not make sense to me. What makes sense to me is we have vacant land on the beach that if we do not jump on something right now, we are going to end up getting into litigation with people like Hoban. It starts as peanuts and is now up to seven hundred fifty thousand dollars (\$750,000) or one million dollars (\$1,000,000) for that little stretch of...I would like to give him more than seven hundred fifty thousand dollars (\$750,000).

Councilmember Yukimura: What is the purpose of purchasing this property?

Mr. Blake: The purpose of purchasing the property, Councilmember Yukimura, is you go along Kaua'i, where do you find beachfront property that is affordable, number one?

(Councilmember Kagawa was noted as present.)

Mr. Blake: Where do you find beachfront property with no fences so you cannot see the ocean? If you go to old neighborhoods, there are no fences. If you go to the new neighborhoods, there are fences all over the place. If you go down the beach, drive down Lāwa'i Beach, there are fences all the way down. If you were a midget, you could be driving in a desert for all you know. You do not know the ocean is on the other side of that.

Councilmember Yukimura: I agree.

Mr. Blake: That is the purpose. I can understand your fiduciary duties and your thing, the real life out there is that does not happen often, not for the price that is there. We make a decision and we are interested in it. When it is in our favor, we can bargain all we want. When it is not in our favor, we have to make the decision and say, "Listen, we want it. This is what we want to pay. Do we have a deal?"

Councilmember Yukimura: An appraisal...

Mr. Blake: We are not *lolo*. Shaylyn is in real estate. She comes up with a good assessment. Jett knows business. I mean, it is not something fly by night, and we said, "Do you know what? We have money. Let us buy that." It is buying something that for in five (5) or ten (10) years, you are going to say, "I am glad we paid that instead of paying what we are going to have to pay now if we want it or a ten (10) foot access to the beach from the main road." That is the purpose and that is the thinking that we have been going on.

Councilmember Yukimura: An appraisal would tell us whether it is a good deal or not, a careful look at what you can actually do with that property, and then a careful thought about what we are going to do with the property if we get it. I agree that the fences are terrible things, but if there is no buyer and they do not have plans to build a house and you cannot really build a house, they will not put a fence up there. If it is public access and there is...I mean, I would pay somebody quickly to tie down the access that should have been recorded and make sure we have that. If access is the main purpose and we can get it, even to condemn an access might be cheaper. We have to be real clear about why we want that property and how much it would take to maintain it. If it is picnic grounds and parks, but one (1) of the questions I have is where is the shoreline going to be in twenty-five (25) years and fifty (50) years? Did you check with the Fletcher Study to see what the erosion rate is there, because otherwise, we are going to be buying sand that nobody can build on anyway? I am hoping there is that kind of analyses that has been done. Lastly, is this the highest priority on the north shore? Is this the highest priority? There is no other really valuable shoreline space that would be really beneficial in addition to 'Anini Park or something that will amplify what we already have? I just want to

know that you have made that kind of analysis, so we are going for the highest priority.

Mr. Blake: I am sure we could do an analysis like that, but when would that analysis stop?

Councilmember Yukimura: It would tell us what the highest priority should be.

Mr. Blake: Think for yourself. You live on the island. Do you know of any place on the north shore that someone is selling for something like this for this price? If I go with your thinking, the only property I am going buy is across the street, because I know in twenty-five (25) years, it is going to be there. I do not even know if in twenty-five (25) years, that will not be there. That is what we think right now, that it will not be there. There are so many people on the island and throughout the State that live on the shoreline, and I think they are going to try and find ways to mitigate erosion. But if that is a fact that you are thinking of, than we should not be worrying about anything on the beach because it is not going to be there. I do not buy that.

Councilmember Yukimura: There are different erosion rates. So if it is really accelerated erosion, it is something to think about.

Mr. Blake: I mean, it looks like what it looks like from the time I was young boy. It may have gone in a couple of inches or a couple of feet, but it looks the same as when I was young. We used to go down to Hā'ena often.

Councilmember Yukimura: Okay.

Ms. Kimura: *Aloha.* I think what attracted us to this property first and foremost, was the fact we conducted an islandwide survey in 2015. There was only one (1) property that was recommended for even exploration, and that was the valley that lies within St. Regis Princeville Resort between Phase 3, I believe it is, and one of the Wyndham properties near Ali'i Kai Resort. It is *pali*. I have been down there, but honestly, I do not know how you would get someone safely down there. So when parcel came up, it is a very familiar parcel to anyone who fishes on the north shore. You can go down there any afternoon and you will see a line of cars along Kūhiō Highway, fronting the ironwood tree line right there, and a lot of trucks are on the shoulder and at times, on Kūhiō Highway. I will speak for myself when I say that I was very intrigued with this opportunity, one, because it is very well-used by local fishermen. So we do not need to make any determinations as to what the use the property has, and value that it has. Secondly, it is on the market, and even at the asking price, it is well-below market value. I say that in general terms. I understand that the buildability of the lot is comprised. However, it is really a prime situation for us and that is why we got really excited, because there were not a lot of properties identified on the north shore. I believe I got on the Commission in 2014 or so, and all of the projects that I have seen have been west and south. I just feel really strongly about the exploration of it. I can respect you and Council Chair Rapozo for your comments. Those are very good comments. But I think going forward, we do

need to look at the Charter or our rules and all of these processes to find a way that this Commission can do its job. Right now, we are trying to do our job with one (1) hand tied behind our back.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Real quick, what is the hand tied behind the back?

Ms. Kimura: The process. You have something on the open market on the north shore, which is extremely volatile all the time. Things get listed and this one sat because of the buildability of it. As of today, it has been on the market for eight hundred eighty-five (885) days.

Council Chair Rapozo: Nine hundred twenty-two (922).

Ms. Kimura: No.

Council Chair Rapozo: I am looking at it right here.

Ms. Kimura: Well, it went off and then it came back on, but this latest stretch.

Council Chair Rapozo: I am looking at it right here, nine hundred twenty-two (922) days on market.

Ms. Kimura: The latest stretch is eight hundred eighty-five (885) days.

Council Chair Rapozo: It says "active under contract." What does that mean?

Ms. Kimura: That means that most of the contingencies have been removed, and you are looking at staking that is done approximately ten (10) days before closing. So there is very few contingencies left in the escrow on this one.

Councilmember Yukimura: Thank you, Shaylyn. It is very helpful to hear the input you have given. Am I correct to say that the thinking is maybe the best use of that property, if we are to acquire it publicly, would be for parking?

Ms. Kimura: Yes.

Councilmember Yukimura: Okay. So it is not access. Access is maybe it is an eight (8) foot to ten (10) foot pedestrian way from the road to the beach. So it is very different than a third (1/3) of an acre that is triangle-shaped. I can see if the use is for parking, that lot might work.

Ms. Kimura: I can tell you that there is interest from the public so far as maintenance. Two (2) people have approached me about just going down there and mowing the property for free, because it is well-used by local fishermen. Right now, they are trespassing on the property to get to the beach because a lot of times where the tree line is, there is virtually no beach. It is kind of almost up to that ironwood tree line. So they parallel park all along there and then walk over Hanalei way and walk through that property to access the fishing spot.

Councilmember Yukimura: It looks like it might be under contract or in escrow now.

Ms. Kimura: It was in escrow. It went into escrow April 5th. So it is nearing the...

Councilmember Yukimura: Of this year?

Ms. Kimura: Yes, of this year.

Councilmember Yukimura: Okay. How buildable is it? Can you effectively build anything there given the setback and the shoreline certification? Do we have a current certification, because this public discussion might convince the potential buyer not to buy?

Ms. Kimura: True.

Mr. Hull: There is no current certified shoreline. There has not been a shoreline surveyed within the past year for that property.

Councilmember Yukimura: If you use the old certification and the current setback requirements, how much of a building area is there?

Mr. Hull: Ultimately, it is at the discretion of the Planning Commission because you do have to get a shoreline setback variance to build on this property, and that is at the discretion of the Planning Commission as to how much they would allow an applicant to vary outside the shoreline setback requirements. So there is nothing to say statically, they can build exactly this much, and that is because it is all done through a variance process.

Councilmember Yukimura: But if I recall, the purpose for the shoreline setback is not made to give variances very easily.

Mr. Hull: It is not made to give variances very easily, but it was placed in there to give over property owner the constitutional right to be able to develop their property should they want to do that though.

Councilmember Yukimura: But it is going to be a pretty small house.

Ms. Kimura: Yes.

Councilmember Yukimura: I think an appraisal would kind of...because an appraisal would be like someone really serious about building to see what they could practically put on the property, and it would give us more accurate information about what the value of the property really is.

Mr. Hull: Yes, and to that point, I think it is an honest point that, I think, was well-taken.

(Councilmember Kawakami was noted as not present.)

Mr. Hull: I will say that the Department was very much with somewhat in line with the Commission when discussing it at the Public Access, Open Space Natural Resources Preservation Fund Commission level. The Department was, quite frankly, not ready to act at that point. But the Commission ultimately decided it needed to expedite the process. Somewhat in their defense, I can understand that because the Commission has gotten lost opportunities before. One that comes to mind is the lot near the Po'ipū Beach Park. That was on the open market and the Commission was entertaining it. But because of discussion for various reasons that prolonged the process, like what Commissioner Kimura was getting at, the process can sometimes prolong it so much that we lose out on opportunities. The Po'ipū Beach Park is one (1) example of where potentially, delays kept us from acquiring what would have been a wonderful open space acquisition. But at the end of the day, it is a democratic process and the expenditure of taxpayers' money does require a full analysis, vetting, and public hearings that quite frankly we understand we cannot necessarily get around. Sometimes it means we cannot acquire properties and sometimes it means we may lose out. It would speak to this particular property that there is a strong chance that we are going lose out on this property, just because it is in escrow already.

Councilmember Yukimura: January 12th was the Commission meeting when this was considered. If you, and given that as Shaylyn showed, this is a priority project for the north shore, if you had commissioned an appraisal back then, we would have the information by now.

Mr. Blake: It does not work that fast.

Councilmember Yukimura: No. I mean, I am thinking that we need to look at the process, and it is crazy to bring it up before us without an appraisal. So if one of the first things the Commission says this is a priority of ours, you commission and you can use these moneys to pay for an appraisal, you get that information and we would be so much closer to making a good decision.

Mr. Hull: I have no problem taking that information from you folks as we look forward. It is a relatively new process. The Public Access, Open Space, Natural Resources Preservation Fund Commission rules were amended just about eight (8) months ago, which was able to facilitate getting projects up for your review relatively quickly compared to the past ten (10) some odd years that the Open Space, Natural Resources Preservation Fund Commission has functioned. But if this is a requirement above and beyond moving it to a certain level, I think that is

well-taken and we will definitely have discussions with the Open Space, Natural Resources Preservation Fund Commission on future proposals about having that appraisal done prior to transmission to the Council.

Council Chair Rapozo: Thank you. I thought we had already made that clear to the Planning Department, but maybe we did not. Councilmember Kagawa.

Councilmember Kagawa: I have a couple of questions. What is the market price? Is it seven hundred ninety-nine thousand dollars (\$799,000)? What is the County's real property tax assessment?

Mr. Hull: Five hundred seventy-six thousand dollars (\$576,000).

Councilmember Kagawa: Five hundred seventy-six thousand dollars (\$576,000). So the market is higher by about two hundred twenty thousand dollars (\$220,000) or so. If you can go with the pointer, Ka'āina, if that property's owner were to say, "No more trespassing on my property to get to the fishing area," where would the average local fisherman have to go to get to that beach area? Is there no access?

Councilmember Yukimura: To the right.

Mr. Hull: Currently, if individuals are parking down here, the Hawai'i Island Land Trust has put a conservation easement over here to which they are not blocking access right now. A lot of individuals park in this vicinity and access the beach right there.

Councilmember Kagawa: Okay.

Mr. Hull: There are cars that park up on the highway over here in this vicinity where there is on-street parking essentially, that can accommodate three (3) to four (4) cars. It will often have fishermen or beachgoers parking there. Quite honestly, they can access this beach on this little strip here. Right on the road, there is a way to access the beach, but it has been conveyed to us that during high-storm events or high-wave action, that access is no longer available. So the beachgoers from this side would have to traverse over to the Hawaiian Islands Land Trust area.

Councilmember Kagawa: When there is high surf, the waves are crashing up by the access?

Mr. Hull: Yes.

Councilmember Kagawa: Where would we expect the appraisal to fall between? There is no building to value.

Mr. Hull: It is raw land. Ultimately, the real estate property assessment, as I understand it, is a statistical analysis of properties of like kind, essentially. It is not a specific review of this property. It is a good guidepost, but it is not going to be an exact number. We could anticipate it falling close in proximity to the real property assessment, but until we procure those services, we are not going to know.

Councilmember Kagawa: But this person is a willing seller at seven hundred ninety-nine thousand dollars (\$799,000) though, so if the appraisal were to fall short, then he is no longer a willing seller, right?

Mr. Hull: It is up to them, and that is kind of to the point of even if you come in with an appraisal, it does not mean that the willing landowner is going to sell at that lower level.

Councilmember Kagawa: I think what the Commission members did is they just looked at how can we acquire it, and maybe did not consider the appraisal because with the appraisal, that throws off the deal. It is no longer to a willing seller.

Mr. Hull: Yes.

Councilmember Kagawa: It is a difficult one, but I think it is a very good proposal brought forth by the Commission. That is your job, bring good proposals here and the Council, with the moneys that are in there, decide whether we are going to go forward or deny. Please do not take some of the criticism or what have you as though you folks are not following the rules. I think what you folks are doing is bringing forth a good proposal. We keep telling you folks, "Where are the proposals with all the money sitting in?" You folks brought a proposal and now we have to do our job.

Mr. Hull: To that point, Councilmember Kagawa, I will also state that it is a unique situation when you are going into the open market discussion. It is definitely low-hanging fruit in the sense that it is not condemnation, and even if you have a willing landowner, if it is not on the open market, there is a lot of documentation that they have to get to us in order to process the transaction. We have a couple of potential transactions that are under the willing landowner category, they are just not on the open market, that just quite frankly, the landowner is not quite ready to give us the paperwork even though they are willing to allow for the acquisition. When you get into the open market discussion, I think even to Councilmember Yukimura's point, when we go into negotiations, it is a bit trickier when you are talking about County entering into negotiations for acquisition because of the fact that the County is not really going to enter into official negotiations until this body takes an action, right? But this body's action is going to be publicly aired. So if ultimately this body decides it wants to move forward for acquisition, and it passes, six hundred thousand dollars (\$600,000) for say some acquisition, and then we go to the landowner and say, "We would like to offer five hundred fifty thousand dollars (\$550,000)." They are going to say, "Right. You area afforded the opportunity for six hundred thousand dollars (\$600,000). I want six hundred thousand dollars (\$600,000)." It is a tricky situation with that. We do not...

Council Chair Rapozo: That is why the appraisal is so important.

Mr. Hull: And I understand that.

Council Chair Rapozo: Just imagine this scenario: the private landowner today that has an open space land somewhere on the beach watches this meeting; this Council approves seven hundred ninety-nine thousand dollars (\$799,000), which is what that Bill is showing; and tomorrow he calls the County and says, "I have one for you, too, eight hundred ninety-nine thousand dollars (\$899,000). You do not need an appraisal. Just go see the Council and go get eight hundred ninety-nine thousand dollars (\$899,000)." The appraisal, to me, starts the process. It is not that we do not think it is a good buy. If it was my money and I had the money, I would buy the property, but it is not my money, and it all starts with an appraisal. It all starts with an appraisal. I cannot imagine, and I am not blaming the Commission. They are finding these deals, but to come here and say...I do not even know where to start. I do not. If we had an appraisal, I do not care who is watching. It does not matter. This is a transparent process. It is supposed to be a transparent process. Whatever the landowner is going to do, he owns that property. We are not trying to sneak him. At the end of the day, this is not our money. I do not know how I would approve seven hundred thousand dollars (\$700,000) or any number without knowing what this thing is actually worth. What the person is asking is not what it is worth. What the Property Tax Office is saying is not what it is worth. To me, I do not know. It is just something that if you are going to come up to purchase property, it has to have an appraisal. That is just me though. You only need four (4) votes. Go ahead.

Councilmember Yukimura: When we acquired Crater Hill and we worked with the Trust for Public Lands (TPL), they did not get approval from the body and then go negotiate. No. They secured an option to buy Mokolea Point by Kahili Beach for a certain amount of money, which was under the appraised value, but they had their appraisal and they used it. They did not make it public. The Trust for Public Lands is a nonprofit entity, and that is why the Hawaiian Island Land Trust can be a valuable help to us if we know how to use them. So TLP secured an option on Molokea Point, and then we all of us went to Congress to get the money to buy it at appraised value. They tied down the property. If they had gotten the appraisal in January, we could be making a very good offer. We could have made it in March and prevented this other purchase/offer or whatever it is. Council Chair Rapozo is right, you get an appraisal, it helps you shape your negotiations, and then you get an option if you can. That is really good. Then, you can come to this body. But the appraisal is a tool you need in order to begin negotiations.

Mr. Blake: Let me ask you one (1) question, Councilmember Yukimura, if the price was four hundred thousand dollars (\$400,000), would we still want an appraiser to put an offer in on it?

Councilmember Yukimura: Yes.

Mr. Blake: Really? What if it was two hundred thousand dollars (\$200,000)?

Councilmember Yukimura: What if...

Council Chair Rapozo: Let us not get into this.

Councilmember Yukimura: Okay.

Mr. Blake: I am just saying, because I think my Commission members are pretty intelligent. I think they look at all of this. We have not bought anything. We have not used the fund for a long time. You folks took away half percent (0.5%) from what we were getting.

Councilmember Yukimura: Not me, Teddy.

Mr. Blake: It does not matter, you are on the body. Half percent (0.5%). So we are between the devil and the deep blue sea. Do we want to make a purchase? We have good, solid information from good people in the business. I was a broker myself, and I said, "I think this is a good thing." The appraisal was not an astronomical sum, and I thought anything on the beach is going to be at least one million dollars (\$1,000,000). This is under. Of course, there are some restrictions that he has, but we thought we may have been short, Council Chair Rapozo, on not getting an appraisal first. But it is not likety-split like you are talking. January you bring it up. It goes through the process, and we a couple of meetings where we did not have quorum, so we could not pass this. It took us until April to do it. I think we had two (2) meetings at that time that we had no quorum. We cannot do any business, and this thing is moving along and the pressure is building on us right now because we are looking at that and saying, "That is good for parking." Have you been down to Hā'ena in last two (2) years? I go down there about four (4) times a month working at Makana. The traffic is insane there, and you are going to have more cars parked on the side of the road because you have no place to park. I am just thinking about County's liability. So we get something that you can put cars in, it is on the beach, access to the beach, fishermen, who are probably the last people we think about when we do things because the fishermen are just quiet, and I thought it was a good move. I did not force anybody, but everybody else came up with the same idea. That is why we brought it to where it is today. I agree with you, Council Chair Rapozo, that is the prudent way to do it. But sometimes, you go on feeling. This was a feeling that I had, and I said, "This is a good thing. We have to jump on it." Reinforced when Hoban came and said, seven hundred fifty thousand dollars (\$750,000). That blew my mind. You come here and now you want to charge us to go down to the beach?

Councilmember Yukimura: I just want to say that we do not want to leave three hundred thousand dollars (\$300,000), four hundred thousand dollars (\$400,000), or one hundred thousand dollars (\$100,000) on the table when we might need it for Hoban.

Council Chair Rapozo: Let us not talk about Hoban.

Mr. Blake: Well, that is not my favorite subject.

Council Chair Rapozo: Again, it is unfortunate you folks could not meet for two (2) months. That is very unfortunate. But I think something as critical as this, I do not know, maybe we should have called an emergency meeting or something. I hope you folks understand that the fact that, and I am speaking for myself, the fact that I am asking for an appraisal is not saying it is a bad opportunity. I just think that precedent. If we start doing this without an appraisal, it is going to be rough road going down because it is just going to happen all the time. Are you on the Commission?

Ms. Kimura: Yes.

Council Chair Rapozo: Okay, and are you in real estate?

Ms. Kimura: Yes.

Council Chair Rapozo: I think the appraisal is really the start in normal real estate transactions, right?

Ms. Kimura: Yes.

Council Chair Rapozo: This Council is no different, it should be no different, especially when we are dealing with the public's funds. I am sorry. We are going to have to take a tape change break. Do we still have some time, BC? Okay, is a minute too much, Councilmember Chock? Let us do the ten (10) minute caption break so we do not cut anybody off. Is that okay, BC? Let us do ten (10) minutes.

There being no objections, the meeting recessed at 2:54 p.m.

The meeting reconvened at 3:06 p.m., and proceeded as follows:

(Councilmembers Brun and Yukimura were noted as not present.)

Council Chair Rapozo: Councilmember Chock

Councilmember Chock: Thank you, Council Chair Rapozo. Ka'āina, if we were to, and I understand that you are willing to move forward on an appraisal, how long would it take to get that done? If we were to move this out of first reading and let the process continue, would you be able to get it done in time?

(Councilmember Brun was noted as present.)

Mr. Hull: Yes, an appraisal can be down relatively quickly, three (3) to four (4) weeks, honestly.

Councilmember Chock: Okay.

Mr. Hull: But it is going through the procurement process that can be fairly lengthy. So obviously, there is not going to be movement by this body yay or nay until an appraisal is done. So I would think we definitely

want to get that for you folks. I do not know if we are able to hold off on the public hearing. I would ask that the public hearing be deferred three (3) months essentially, to allow us to do the appraisal services, quite frankly. I am not sure if you can do that being that the first reading is already scheduled for today. But I would anticipate having an appraisal ready for you folks going through procurement and then the actual appraisal being done within three (3) months.

Council Chair Rapozo: I have a follow-up. For the procurement, is an appraisal services not one of the professional services that we go out once a year?

Mr. Hull: Not with Planning and the use of the Public Access, Open Space, Natural Resources Preservation Fund Commission funds. It has been relatively new, and one of the things was that there were certain issues like with Hoban property, about procuring those services. Now granted, those are a very specific set of circumstances that are different than this because it is including severance damages. But like I said, I can assure you, tomorrow, we are going to start the paperwork for appraisal for this. I would hope that we could get to you folks through procurement because there is a thirty (30) day window for the bid and then there is a thirty (30) day window for the services to be done, but to give us a little bit of a buffer in case something holds it up.

Council Chair Rapozo: I guess maybe we have to ask the Department of Finance, but I know there is a professional services list that goes out once a year, and certain services on that list, we do not need to go out. We can make three (3) phone calls from the people on the list and we can make a decision. I would assume this would be part of something like appraisals.

Mr. Hull: I will have to double-check, and the only reason being because I know we cannot do that for Hoban.

Council Chair Rapozo: Okay, then that answers my question. That means we cannot. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. It is open to anybody here, but in your expert opinion, do you think the appraisal is going to come back higher than what we have on the table today?

Mr. Hull: I would defer actually, to Commissioner Kimura on that.

Councilmember Kawakami: In your expert opinion. I know it is a hard question, but I think it is an important question being that you are in the realm of this type of assessments, appraisals, and valuations. We just want to see what risk we have.

Ms. Kimura: I think that the amount will be compromised by the intricacies of the property itself.

(Councilmember Kagawa was noted as not present.)

Ms. Kimura:
answer. I am sorry.

And so that is a very difficult question to

Councilmember Kawakami: No problem. I am satisfied.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: I just have a follow-up, Council Chair Rapozo, on the procurement. I think for time-sensitive concerns and needs, there is also—and I do not know if this is true or not, you would have to check into it, enacting some emergency procurement. I do not know if it qualifies or not, but it is time-sensitive being it is already on the table with another buyer on the market. Perhaps we can expedite this in a way that gives us at least a fighting chance. I know we are behind the ball on it already, but if this is in the interest of the Commission, my interest would be to try to allow the Commission to do their job. Thank you.

Council Chair Rapozo: Are there any other questions? Go ahead.

(Councilmembers Kagawa and Yukimura were noted as present.)

Mr. Blake: One (1) comment I want to make is that we know that the Department of Parks & Recreation is tight. We have had good experiences on the south shore just with community help. I know I worked with a couple of community groups, Limahuli and Hui Maka‘ainana o Makana. We have already talked about it, but I think we can get the interest in the community to go down and *mālama* that place.

(Councilmember Kagawa was noted as not present.)

Mr. Blake: People are getting more community-based resources, and this is a good one for it. It is like what is happening in Kekaha. When you have two (2) groups together, you start moving mountains. We thought about this, especially since the Department of Parks and Recreation has said that they do not have any staff. So it behooved us to go to the community and see who there could help, which was admirable of the Commission members. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you very much. Councilmember Kaneshiro.

Councilmember Kaneshiro: I have a question for the Attorney regarding the easement that they mentioned earlier.

Council Chair Rapozo: Mauna Kea?

Mr. Trask: Aloha, for the record, Mauna Kea Trask, County Attorney.

Councilmember Kaneshiro: Without jeopardizing whatever process we are going through legally about this easement, I heard we have a possible easement that we just did not complete.

Mr. Trask: Correct. I can speak about some of this. There is a current action filed with the Fifth Circuit Court. It was filed recently, April 6, 2017. It is a declaratory action regarding what Mr. Hull had stated. So essentially, back in the early 1990s, there was a boundary amendment to that triangle property on the Hanalei side of the subject property. As a condition of that, they were to grant the County a beach access easement on the Hā'ena side of the property, so directly bordering the subject parcel. That was prepared and delivered to the Department. To our understanding, it does not look like it was ever received by the Council and/or recorded thereafter. Right now, there is a disagreement regarding whether or not the County is still entitled to that easement. There is also an issue regarding...that property was improved and the State required a septic tank to be put in per State law, because I believe it was served by a cesspool. So that is now in and around the area of the access easement, because that was the appropriate place to put it. So again, we are talking about this is a subject parcel. This is the part of that subject, the declaratory action. The access easement as required was on or around there.

Councilmember Yukimura: Is that the Hā'ena side?

Mr. Trask: Yes, it is on the Hā'ena side of...this is the subject parcel of the litigation. It is on the Hā'ena side of that parcel, which is the Hanalei side of the subject parcel.

Councilmember Yukimura: Oh, I see.

Mr. Trask: I am sorry. Now, in order to expedite this matter, the plaintiff in that case is...it is an amicable proceeding. They are looking to grant us an access easement somewhere on this side of the property. As Mr. Hull said, that would be free of charge and settlement of all legal questions involved therein, which would provide access to this area within whatever this distance would be. It is pretty close. That would be done. So the attorney is coming back tomorrow, we have received the communication, and we have some comments that we are going to send back.

Councilmember Kaneshiro: Okay. Thank you.

Council Chair Rapozo: What is the quality of the access that they are proposing to give us on that Hanalei side of the property? Do we know?

Mr. Trask: There was a site visit. I did not go on it. We are working on related thereto, metes and bounds, and things like that.

Council Chair Rapozo: But is it accessible? Is it rocks?

Mr. Trask: I believe Mr. Hull went there.

Council Chair Rapozo: If you could come up. I am curious since we are on the subject.

Mr. Hull: The area that is being proposed by the landowner's representative is kind of a soiled area. There is some tree cover, but they would be willing to remove that tree cover area to make it much more accessible to the beach, essentially, but it is on the Hanalei side, not the Hā'ena side as originally proposed.

Council Chair Rapozo: Right, but if they take out the trees, is there a beach there?

Mr. Hull: Yes. It would be direct access to a sandy beach area.

Council Chair Rapozo: Okay. Thank you. Are there any other questions? Thank you. Go ahead.

Councilmember Yukimura: So you are saying that the location that was dedicated is on the right-hand side of the subject parcel?

Mr. Trask: Correct.

Councilmember Yukimura: But that the landowner is thinking to move the access to the...

Mr. Trask: Somewhere around the Hanalei side.

Councilmember Yukimura: I see.

Mr. Trask: I believe there is a disagreement as to where the specific septic is located. In our answer to the complaint, the Office of the County Attorney did not admit to that specific paragraph. That is a matter of public record, but the proposed is in and around here somewhere. I guess the beach is right there.

Councilmember Yukimura: I mean, if you were to acquire the subject parcel for parking, it would make more sense to have the access aligned along the boundary of the subject parcel one way or the other. People get out of their cars, they do not have to go on the road to get to the access.

Mr. Trask: I do not know. If you acquire this parcel, you would not need access. It would probably be redundant. You could probably walk to the beach, right?

Councilmember Yukimura: That is true.

Mr. Trask: So it is not like you would be parking and walking around.

Councilmember Yukimura: Yes, that is true. I guess given what the Department of Parks & Recreation has said about parking lots on the shoreline, it would have to be very informal parking of sorts.

Mr. Trask: I do not know if we could pave. There would be a whole different deal.

Councilmember Yukimura: I have asked them to ask Sea Grant for their solutions.

Council Chair Rapozo: Are there any other questions for Mauna Kea? If not, thank you. Anyone in the audience wishing to testify? Seeing none, I will call the meet back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion is to approve first read and with the public hearing set. Councilmember Yukimura.

Councilmember Yukimura: If we do a first reading with public hearing, the public does not have the essential information either, neither does the Council. So would it be appropriate to just defer the first reading until an appraisal is gotten?

Council Chair Rapozo: I understand the sense of urgency, and we are probably too late already if this thing is in escrow. I do not have a problem moving it forward on the condition that if there is no appraisal, I am not going to support it going forward. I think what I am more interested in is hearing from the public whether or not they want that access, because I think if the overwhelming support or the overwhelming feeling of the community is like Mr. Blake is saying, that is it okay to pay more than the market value, then that is something that we have to consider. I think if we wait for an appraisal, I believe we will lose it. It will be gone. So I do not have a problem moving forward without the appraisal at this point, but I will say that we will need that appraisal prior to my support when it comes up for vote. I apologize if you folks think that is harsh, but it is what it is. I would say that going forward, we have to have an appraisal. That is something that I think the Commission has to understand that if we are going to go forward with a property, we have to get an appraisal. It starts with that, in my opinion. Councilmember Yukimura.

Councilmember Yukimura: I share your thoughts. I will not vote in final vote for this project unless there is an appraisal, and somewhere in the back of my mind I thought the County could not pay for something for which we did not have an appraisal.

Council Chair Rapozo: I think in the condemnation proceeding, we have to pay appraised value or the market value. But I think this is just an open sale. The person wants to sell it, the County can...but we have constituents that we respond to.

Councilmember Yukimura: Bad precedent.

Council Chair Rapozo: It is not our money. Like I said, at the end of the day, if that is what the community wants, then we will do it. Councilmember Chock.

Councilmember Chock: I have the same sentiment. I think it has been clear what we want moving forward. I do not want to hold up the process. I think it is going to be difficult to get an appraisal, but let the cards fall where they may, and we will come back to it. I do not want to be the one to say "no" on of first reading, which is just the first step here and allow at least some homework to be done. In addition to the appraisal, for me it is about the stewardship agreement, those maintenance issues. I would urge maybe for our Public Access, Open Space, Natural Resources Preservation Fund Commission to reach out to Hui Maka'ainana o Makana. They are of the area and of the same mind, and could help about the situation. I appreciate it. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am willing to move forward with the public hearing. The appraisal is going to come in, but we have a pretty good idea of what the costs are. We have the market value at seven hundred ninety-nine thousand dollars (\$799,000) and we have the real property tax value at five hundred ninety-six thousand dollars (\$596,000). If you say, "Are we willing to buy it if it is under one million dollars (\$1,000,000)," I mean, people could say whether how valuable that property is or not. But I think they have a pretty good idea of what the cost is. Eight hundred thousand dollars (\$800,000). The appraisal may be higher or a little lower, but I just really want to hear from the public as far as is something that they want to purchase. I do not think we should hold it up. Of course we hear how long it will take, so I do not think we should up the public hearing.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I would like to make a request that the County Planning Department not wait for all of this to happen, but try to secure an appraisal as soon as possible. Thank you.

Council Chair Rapozo: I am a little more optimistic about the appraisal because it is only land. There is no house on there. So I think the procurement part we cannot avoid, but once we get appraiser, I cannot imagine it taking that long. With that, the motion is to approve on first reading. Roll call.

The motion for passage of Proposed Draft Bill (No. 2651) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:

Brun, Chock, Kagawa, Kaneshiro,
Kawakami, Yukimura, Rapozo

TOTAL – 7*,

AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

ALLISON S. ARAKAKI, Council Services Assistant I: Seven (7) ayes.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2652) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-813, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanalei Coastal Property, Tax Map Key No: (4) 5-8-012:002*)

Council Chair Rapozo: Can I get a motion?

Councilmember Chock moved for passage of Proposed Draft Bill (No. 2652) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call. I am sorry. It is the same item. You wanted the Kekaha one, right? It is a coming up next. There are two (2) items for the Hanalei property. Thank you. Roll call.

The motion for passage of Proposed Draft Bill (No. 2652) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2653) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*): Councilmember Brun moved for passage of Proposed Draft Bill (No. 2653) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you very much. With that, round two.

There being no objections, the rules were suspended.

Mr. Hull: Good afternoon, Council Chair Rapozo, and Members of Council, Ka'aina Hull, Deputy Director of Planning again. I have with me, Commission Chair Blake as well as Commissioner Kimura from the Public Access, Open Space, Natural Resources Preservation Fund Commission.

Council Chair Rapozo: You have the floor.

Mr. Hull: The Public Access, Open Space, Natural Resources Preservation Fund Commission began meeting in about October concerning this property in Kekaha, which is approximately two (2) acres in size. It is a coastal property located in close proximity to the Kikiola Boat Harbor. It actually has two (2) Condominium Property Regime (CPR) units. I know there might have been some confusion in testimony earlier about there being one (1) or two (2) parcels. It is one (1) parcel of record with two (2) CPR units. One (1) CPR unit is approximately one point three (1.3) acres in size and the other CPR unit is about point seven five (0.75) or point eight eight (0.88) acres in size. The two (2) CPR units together constitute a little over two (2) acres in size of coastal property. Technically, the only unit that is currently on the open market, and that is to say there is a willing landowner, is the one point three (1.3) acres of open vacant land that is currently on the market. It has a real estate property assessed value of nine hundred eight thousand dollars (\$908,000) total for the parcel of record, and the market value that it was being offered at and is in report is six hundred fifty thousand dollars (\$650,000). I have to state that in the time between action by the Commission to send the recommendation to you folks and today, that price has actually dropped to six hundred thousand dollars (\$600,000). It has been reduced by fifty thousand dollars (\$50,000). The two (2) CPR units, one (1) as previously stated, is vacant. The

other CPR unit, approximately point seven (0.7) acres in size, has the Kekaha Chinese cemetery on it. The Public Access, Open Space, Natural Resources Preservation Fund Commission has ultimately found that acquisition of the entire parcel of record would one, provide public outdoor recreation, education, including access to beaches, preserve forest, beaches, coastal areas, and agricultural lands; conserve land, open space, and scenic values; as well as preserve historical or culturally important land areas and sites. It is kind of an interesting situation in that there are two (2) cemeteries in this area. One (1) is the Japanese cemetery that is adjacent to this property, and is currently under ownership and maintenance by the County of Kaua'i Department of Parks & Recreation. The Chinese cemetery is currently under private ownership, of course, and the Commission is recommending be acquired. It kind of is interesting that when you look at certain cemeteries that are associated with plantation history here on Kaua'i and throughout the State of Hawai'i, often you do find, not in all situations, not universally, but often you will find many of the Japanese cemeteries that were initiated during plantation times often still are being cared for. That is because there is still families or groups caring for them. In many scenarios with both Chinese and Filipino cemeteries, because of the immigration policy of the United States at the time that did not allow during certain waves of the migration for Chinese or Filipino migrants to bring their spouses with them, there were essentially no family connections. Either the individual worker went home to China or the Philippines, or they passed away here often times without any family that without an ancestral line, you find many of the Chinese and Filipino cemeteries from the plantation era, somewhat in a dilapidated state. This particular cemetery was cared for some time by an association. Right now, that association kind of is not really...the individuals that were part of it are not really here anymore and taking care of it. From what we gathered, some members of the community occasionally will go out there. Sometimes, it has been colloquially pointed out to us that County workers in their off time or just in cleaning up the Japanese cemetery will sometimes go over to the Chinese cemetery to maintain it. But currently, there is no official body maintaining the Chinese cemetery. Ultimately in looking at these two (2) CPR units that make one (1) parcel, one (1) lot of record, the Public Access, Open Space, Natural Resources Preservation Fund Commission decided on final recommendation to be sent up to this body for acquisition for both coastal preservation purposes, beach access purposes, as well as historic preservation purposes.

-That is it in a nutshell. Given the last discussion that happened on the Wainiha property, I can say that no appraisal has been specifically done for this property either. The Commission was ultimately functioning off of the real property assessment when the final recommendation was made. I can somewhat preempt further discussion by this body to say that the Department is more than willing to work with the Commission to get an appraisal done for this property as we move forward. I do not know if anybody else from the Commission has anything else to add.

Mr. Blake: I would like to thank your leadership for the forward thinking and that of the Commission. The problem we have is somebody else might jump in, and with you saying, "Listen, we are going through with it, and we take final vote when we get the final appraisal," I am all for that. Thank you very much. I think is the same thing. We are just rehashing it. You have heard everything I had to say already, so I will pass on that.

Mr. Hull: Sorry. If I could also add for this property, too, in the remarks that Councilmember Chock had concerning the Wainiha property and maintenance, for this particular property, just to add indeed maintenance, as I stated previously, is an issue with acquisition with the Public Access, Open Space, Natural Resources Preservation Fund funds because those funds cannot be used for maintenance purposes. Like I said in the previous presentation, we are discussing whether or not it is appropriate to come back to this body to amend the Charter to allow for those funds to be used for maintenance. But until that time happens should it even happen, we have to look at other avenues for maintenance. Again, this is another site where the Department of Parks & Recreation has gone on record to state that they would not recommend for a park site, nor do they have staff and resources officially available to maintain it. I do not fault the Department of Parks & Recreation on that. In one (1) of our assessment for this particular island, I think the number that we are looking at is roughly twice the amount of parks per capita the County of Kaua'i has of other municipalities of this size.

(Councilmember Kagawa was noted as present.)

Mr. Hull: So they are taxed on their resources, and we understand that, and understanding that, but knowing that maintenance is going to be required. The Department did initiate discussions with various community meetings and community venues to see if there was any interest of community associations to participate in stewardship of this area. The Commission attached two (2) proposals that have come from community associations in the Kekaha area, one (1) being the Kekaha Gardens and another being the Kekaha Hawaiian Homes Neighborhood Association. Both organizations have submitted proposals for stewardship. The reason it was included in this packet was just to show that there is an active and indeed serious interest in executing a stewardship agreement with organizations in the area. That is not to say that either of those stewardship agreements, any commitment has been made. It is just to state there are active, honest, and serious proposals being made for stewardship and we think we can execute one of those or another one, so to speak, should acquisition be decided upon by this body. It is just for your consideration. Thank you.

Council Chair Rapozo:

Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. Do we need to take the cemetery? Do we want to take the cemetery, or is it just something offered up as part of the acquisition? What are some of the entitlements tied to this property? Can you build a home on it? Can you build two (2) homes? What is the highest and best use for the property right now?

Mr. Hull: The overall parcel, they can build a house on this. This parcel would also be subject to the Shoreline Setback Ordinance, but they are able to build a house on this property. So just for open space preservation, the vacant area, indeed, there is a desire to move forward from the Commission's part. For the cemetery, quite honestly, it is ultimately going to be up to this body whether or not you folks feel it is in best interest of the public to acquire an historic site like this. Currently, it is not being maintained by an official organization and it could go into more disrepair should no body take it over. So in the interest of that and in meeting the criteria of using Public Access, Open Space, Natural Resources Preservation Fund Commission funds for acquisition for historical preservation, it could be good. Additionally, I will say this and I do not mean to spook anybody, but because nothing like this has been proposed for this particular cemetery, but I just want to state this cemetery is not an official State recognized cemetery. This is just a pot of land that has been used in the past for burial purposes. I live on Malina Road in Kōloa. There is a property right next to me that has a family cemetery on it. There is about twelve (12) or fifteen (15) gravestones on that property. It has not happened as of recent, but working in the Planning Department, you do get some very strange proposals for properties, and we have fielded requests to develop for housing purposes on cemetery sites in the past.

Councilmember Kawakami: But stop there. You and I know that would not happen in this day and age.

Mr. Hull: Well, all I can say is while this property is not even on the open market and I do not see Kikiaola ever looking at doing something like that, I want to make clear of that. But I have to say when we have fielded those requests on a property that is not officially recognized as a State sanctioned cemetery, there was very little our Department could do to say "No," quite frankly.

(Councilmember Kagawa was noted as not present.)

Mr. Hull: When you are looking at burials and the property owner has the right to a certain degree use them, there is the possibility to essentially reintern those burials somewhere else and build a house there. I want to be clear, Kikiaola, the current property owner of this property, is not proposing that. But in the long-range future when you are asking about entitlements, does that CPR unit have an entitlement to build a house? I cannot say, "No, it does not," and that is just where I want to kind of leave it at that.

Councilmember Kawakami: I have one (1) more question.

Council Chair Rapozo: Go ahead.

Councilmember Kawakami: I know we are talking about preservation, but in your discussions, do you folks also have...because maintenance came up and we cannot use funds for maintenance, right? But have you folks explored other options, for example, because a house can be constructed, maybe a canoe *hale* and then having whatever canoe club it is, adopt the park and maintain it. I know that for a fact, that is happening currently where we have stewardship agreements with canoe *hale* and

other organizations to do the maintenance. So, sometime it is good to have vacant land and sometime it is good to have something on there as well. I think this is one of the uses that would fit in with the area.

Mr. Hull: Yes, and to that point, Councilmember Kawakami, I think that is a wonderful point that is essentially not the only reason, but part and parcel while the discussion is happening for both the CPR units, in that reaching out to various organizations the way that they may be able to use that for community purposes, be it canoe *hale*. I know the first discussion that was had internally was to reach out to see if something like the Boy Scouts of America would be interested. They could use the acre and a half for scouting purposes; camping, tying knots, fishing, what have you; and the stewardship agreement exchange for using it use it for those community type of purposes, you also will maintain the cemetery. There is something about having *keiki* interact with the history of our island by maintaining a cemetery site. So yes, indeed. Some of the proposals that you folks have before you that are just demonstrating commitment to sign off on the stewardship agreement, some of them do have community-type *hale* proposals. The biggest obstacle though to that, quite frankly, is the Shoreline Setback Ordinance as far as how far some of the structures...some of the structures that are proposed in one (1) of the applications, quite frankly, would not be allowed under the Shoreline Setback Ordinance. But some would if they are removed further away from setback area.

Councilmember Kawakami: But I hope you can understand my hesitancy on the cemetery side, just because we have seen our challenges in maintaining some of our landscaping. If you could imagine the public outrage if we were to acquire a cemetery and we were not able to hold the standard of what a cemetery should look like so far as the respect for the deceased. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Ka'āina, do you know what the interests are of the two (2) community groups that you have been talking to for a stewardship agreement for the property?

Mr. Blake: There are two (2) groups that have come forward, Kekaha Garden Association and the other one is West Kaua'i Hawaiian Homes Association made up of Hawaiian homes from Hanapēpē, Waimea, and Kekaha. They have offered to clear the entire area west of the Chinese graveyard. It is all overgrown; clear, shred, and irrigate it at their cost. That would be nice if every project we had, we had the community that did that. That is what we are trying to foster in Wainiha, but we have the participants, the players, who do not mind working together, which is great. I just see wonderful things for this community, because you have the cohesiveness of the community.

Councilmember Chock: Perfect.

Mr. Blake: They are different associations and they come together, and I feel very comfortable with them.

Mr. Hull: I can also add, Councilmember Chock, that the proposals are in the packet. So one, the Kekaha Gardens, you can check out their proposal. I do not want to put words in their mouth. They have a representative here that I know is planning on testifying. A lot of their proposal is purely looking at just maintenance. The West Kaua'i Hawaiian Homes Association was looking at both maintenance as well as possibly providing some type of community structure in the vacant area that could be used for say, meeting purposes or community meetings type of thing.

Councilmember Chock: And none of the groups talked about the cemetery. My understanding is their only interest is west of the cemetery, not maintenance of the cemetery.

Mr. Hull: No. I want to say and perhaps Phoebe, who plans on testifying later can also talk to you about that. The Kekaha Gardens proposal was primarily focused on maintenance of the cemetery itself, and not too much interest actually in the vacant land, but more in really maintaining the historical aspects and preservation of the cemetery site. The West Kaua'i Hawaiian Homes Association, while there is some proposal for utilization of the vacant land, their proposal also focuses a lot on maintaining the cemetery. There is a deep interest, I will say, of these organizations as well as members when we have spoken with them at various community events, in the maintenance of that cemetery. It is a very unique cemetery in that I mean...I do not want to say all cemeteries are unique. But the way in which some of the gravestones are set up and the history behind it, there is very much of an interest on the community side. I can also say that for your own history, some of the cemeteries actually still maintain the gravestones, but as was the policy of China back during the plantation era and in particular the time when women or spouses were not allowed to migrate with the migrant laborers, should a Chinese citizen pass away in the camps here, often, the Chinese family and the Chinese government was notified and the government provided funds to repatriate the body back home. As I understand, many of the bodies that were previously buried at this site were repatriated back to China, but not all of them. So you have a fair amount that are still in the ground, so to speak.

Councilmember Chock: I have some similar concerns, I think, as Councilmember Kawakami in terms of the cemetery portion of it. I think also just to shed a different light on it, we are kind of treading in new territory in terms of the cultural aspect of preservation for this fund that may require us to look deeper into how we are categorizing these things and what we are taking on, because it is a sensitive issue. I know it was said that we do not take away the gravestones, but the truth is, our *kupuna* are everywhere and we have and do still to this day. So when we talk about what we are investing in and how we are going to take care of it, to whatever property we are investing in, I am just not sure how we are categorizing this cultural historic, especially when it comes to *iwi kupuna* as it relates to these cemeteries that we are thinking of picking up. So I just want to be sensitive to that.

Mr. Hull: Yes, and ultimately, that is the balancing act, Councilmember Chock. There is no fine line in the sand that says, "At this level of cultural integrity thereby, you shall acquire." It is going to be the discussion that this

body is going to have as we go through the course of the public hearing and Committee. Ultimately, the Commission has decided that the integrity of this historical site and its acquisition, the current cost that it is at, is commiserate to the public interest served. That is the position that the Department took. The Commission ultimately agreed with the Department, but the final say is this body, whether or not this body finds the cost of this acquisition and the historical integrity of this site commiserate to the public interest served. It is not a fine line in the sand. Yes, I have to agree.

Mr. Blake: Can I add one (1) comment on that? *Iwi* is important to Hawaiians, as it is with the Chinese. The Chinese played an important part in our history and I feel the graveyard is a cultural asset to us. I think it is important as a Japanese graveyard, a Filipino graveyard, *haole* graveyard, or a Hawaiian graveyard, because they were here from day one.

(Councilmember Kawakami was noted as not present.)

Mr. Blake: They were the first immigrants. Besides my middle name being (inaudible), I have another one, (inaudible) Chung, because my mom was Chinese. I feel a special connection for that also. Thank you.

Council Chair Rapozo: Councilmember Yukimura

Councilmember Yukimura: In creating a stewardship agreement, with whatever group you decide to, it is going to be so important for the County to make clear what the County's interest is. I mean, are you going to let somebody steward the land and they just have it for their members? I am talking about the open space area, not the cemetery. What is going to be the goals of that property and how will you find a way to make it work for the stewards, and because public money is used to purchase it and there is public purpose, what will the public purpose be? I looked at the stewardship agreement, which was not in your office, but it was for the Kilauea Agricultural Park and they kind of threw everything, which is to me, unrealistic for the stewards. I am just saying in crafting it, you are going to spend a lot of thought on what it is. Do you know what the erosion rate is for that land?

Mr. Hull: It is pretty significant in this area. I want to say that the erosion rate was close to two (2) feet to three (3) feet a year. However, there has been, I think, public input on the fact that ever since the dredging of the Kikiaola Harbor happened a few years ago, that the erosion pattern and sand migration pattern of that area is drastically different from what it was previously.

Councilmember Yukimura: Faster or slower?

Mr. Hull: It depends. We have heard a lot and I can only say it is colloquially given to us, that it is at a reduced rate from what our study says. Now granted, our study is still the one on the official books, but we are hearing that it is a lot less than what it was previously.

Councilmember Yukimura: So are you going to get documentation of that?

Mr. Hull: Quite frankly, I do not think we have the resources to reassign or re-procure say a Chip Fletcher type to go out there and reassess the erosion patterns of this area.

Councilmember Yukimura: Well, it is a negotiating tool. If the official one is very high erosion, it is going to make the property less useful over time. Maybe they have the burden of proof of providing the documentation. I do not know, because in creating the stewardship agreement, you may have to have limitations about what kind of infrastructure, if any, can be put on that land. I do not know if there is like pavilions and whatnot. You do not want to put something within the erosion.

Mr. Hull: Oh, no. To that point, Councilmember Yukimura, even if the acquisition were to occur, the stewardship agreement to be executed, and there is a proposal for a structure, that structure would still be subject to the Shoreline Setback Ordinance, and is either impermissible in the setback area or they have to go through variance. I do not think any of the community groups out there have the resources to go through the variance process, quite frankly.

(Councilmember Kawakami was noted as present.)

Councilmember Yukimura: I mean, so the appraised value of that land will be affected by whether or not you can actually put a house for the life of a house...well, excuse me, our setback law takes into cannot the erosion rate times the life of a house. So that will prevent the building of a house that might be washed away in a few years.

Mr. Hull: That is the intention of the Setback Ordinance, correct.

Councilmember Yukimura: And that will affect the appraised price of that land.

Mr. Hull: Well, I think it is affecting it right now, quite honestly.

Councilmember Yukimura: In this case, is there no prospective buyer?

Mr. Hull: This property is not in escrow, I am glad to report right now.

Councilmember Yukimura: Okay. Well, if there is not, then you still have to determine what the value is to pay for it.

Mr. Hull: Yes. Like I said in the beginning of the presentation...

Councilmember Yukimura: Yes, you did say that.

Mr. Hull: ...we are committed. Tomorrow, we will start the paperwork for both this and the other property for procuring appraisal services.

Councilmember Yukimura: Okay. Can you provide some internal lines that show us in that property where the cemetery is?

Mr. Hull: My apologies. There you go.

Councilmember Yukimura: Oh, I see. You did have that in your materials. Okay.

Mr. Hull: The L-shaped lot is the vacant lot, and the smaller lot is the Chinese cemetery.

Councilmember Yukimura: So for public use it is a pretty long or deep lot if you are going to use it for beach purposes or whatever, right?

Mr. Hull: In looking while it does meet the criteria of the Public Access, Open Space, Natural Resources Preservation Fund Commission, I would say it is not a priority on the criteria just because currently, there is beach access through the Japanese cemetery and currency, Kikiaola also provides beach access. The one that Kikiaola provides is actually out of their good graces. They are not required to allow to traverse through to the harbor and then onto the beach, but they do allow it. There is also potential accesses through the Japanese cemetery right next door.

Councilmember Yukimura: Where is the Japanese cemetery? To the right?

Mr. Hull: Right here.

Councilmember Yukimura: Oh, okay.

Mr. Hull: While it does meet that criteria, because there are other opportunities available for beach access, it is not high on the criteria of what it is necessary to acquire.

Councilmember Yukimura: Okay. So access is not a primary aspect of that lot. What about picnic areas and that sort of thing because Kekaha seems to have so little. The road is right up against the beach. So other than MacArthur Park, correct me if I am wrong, there is not much places for people to actually sit around picnic tables, et cetera, right?

Mr. Hull: Yes, and like I said, the Department of Parks & Recreation has stated that they could not support use of this area for a park just because they could not maintain it. Now, should we be able to execute a potential for the community association to provide picnic areas open to the general public through the stewardship agreements, that does not forego that possibility

Councilmember Yukimura: Well, I mean if the Department of Parks & Recreation does not see itself as growing to serve a growing need on this island, something is wrong. I mean, their mission is to provide and maintain parks for the communities with their edict, so to speak, that means we are not going to acquire any more parks for the island into the future. That kind of does not make sense.

Mr. Hull: Well, I would not want to take their comments on this possible acquisition as indicative of their overall islandwide policy.

Council Chair Rapozo: Well, we are two (2) for two (2) today.

Mr. Hull: I cannot speak for the Department of Parks & Recreation.

Council Chair Rapozo: What else would come up that they would say, "Sure"? I think they have made it very clear, from one end of the island to another, we do not want any more parks. That is what we have heard today. So I think it is their overall, and I think it is an honest assessment. They do not have the manpower, but that is not a reason why you shut down any future acquisitions for parks, I think. You adapt. So I am sorry for interrupting, but I just wanted to say that we are two (2) for two (2) today. I think it is pretty clear what the Department of Parks & recreation's position is.

Councilmember Yukimura: Well, even in the crafting of the stewardship agreements, there may be a time where the Department of Parks & Recreation might want to take it over, and so you would have to word that agreement so that there is that option of the County, if at some point, it makes sense to have that be part of the public parks system for the County. They supposedly have a parks plan. One (1) other question I have is, is this the priority on the west side or in Kekaha, because there is, I am told, an Evslin property that was on the books as a property piece for quite a while? I am not sure where this subject property is in relation to the Evslin property.

Mr. Hull: This one is closer to Waimea. The Evslin property was discussed multiple times and there were multiple discussion at the Public Access, Open Space, Natural Resources Preservation Fund Commission level. Ultimately, the Commission decided that is was not appropriate to use funds on the expenditure of that property.

Councilmember Yukimura: What was the rationale?

Council Chair Rapozo: Let us focus on this property. We can talk about Evslin later. It is not even on the floor.

Councilmember Yukimura: Well this, to me, it is important to know that this is the priority project for Waimea/Kekaha. So I guess, the Commission has viewed both of them and say this one is more valuable in terms of public purpose and public need.

Mr. Hull: Ultimately the Commission has decided to forward the recommendation for this property to you folks, and not the Evslin one. I want to leave it at that.

Councilmember Yukimura: Okay. Well, the Commission should be able to give us the reasoning for that.

Mr. Hull: We can transmit those to you, but we just do not have the documents with us today.

Council Chair Rapozo: Right.

Councilmember Yukimura: Well, you have the Commissioners here. They can tell us.

Council Chair Rapozo: But that is not on the agenda, is what I am trying to say.

Councilmember Yukimura: It is in terms of the relationship between the two because...

Council Chair Rapozo: It is not on the agenda.

Councilmember Yukimura: ..we are choosing one over the other, or they are recommending.

Council Chair Rapozo: No, we are not choosing one or the other. They came to us with a recommendation and that is what is on the floor. We are not here to debate their selection of what property. They have made their selection. We are here to discussion whether or not we are going to move this forward.

Councilmember Yukimura: We are here to understand why they made the recommendation.

Council Chair Rapozo: Councilmember Yukimura, that is it. You can ask questions about this and let us not talk about Evslin. I think the questions you have been asking is relevant, but now you are going into why you was choose over the other property, that is not relevant for today's discussion. If you want to have that discussion, we can have a posting to have that discussion. But for today...

Councilmember Yukimura: When you choose one property, there is an opportunity foregone, and that is what you have to know.

Council Chair Rapozo: But that is not on the agenda.

Councilmember Yukimura: I disagree, but I am done. Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? I want to get to that poor woman in the audience who has been waiting patiently for hours.

Ms. Kimura: I will be quick.

Council Chair Rapozo: No, I am not talking to you. Go ahead.

Ms. Kimura: I just really want to echo your comment. As one of the newer members of the Public Access, Open Space, Natural Resources Preservation Fund Commission, it is quite concerning to me that we keep hearing over and over from the Department of Parks & Recreation that they cannot support this project for reasons of manpower. As we look forward, I think that the Department needs to evolve as our needs evolve, and it is unfortunate that, and not in every case, but in a majority of the cases, it seems as though there is just an absolute decision made that we cannot do it. So speaking as a Commissioner, I would just like to implore you that whatever that process is, that we look at it because space is finite and these open spaces and parcels of lands that will serve the greater community are going to become more and more important and valuable. We need to be looking in perpetuity as far as the Department's willingness or openness to maintain. Thank you.

Council Chair Rapozo: I agree. Councilmember Kawakami.

Councilmember Kawakami: Just a short comment. I am not convinced that just because they are opposed to acquiring new property for park purposes that they cannot be made to maintain it if we decide to fund it. A perfect example is we had one (1) dog and I told my wife and daughter, "Do not get another dog. I will not feed that dog." But guess what? They got the dog, and I am feeding the dog.

Council Chair Rapozo: The dog did not cost seven hundred ninety-nine thousand dollars (\$799,000).

Councilmember Kawakami: But it was a free dog and it ended up not being free.

Council Chair Rapozo: Exactly right. That is a great analogy. I share that concern. Go ahead.

Mr. Blake: I agree with Commissioner Kimura that they have to start looking. But I would also like to see the community start getting involved rather than just making comments, and that is what we are pushing for them to do. That is the important thing. The community came forward on this one, they did not come forward with Evslin. It is a big area. It is all sand, hot, and has no trees. I can understand the Department of Parks & Recreation sayings...

Council Chair Rapozo: Well, there is a certain trust we have to have with your Commission that you explored all of that, and there is a reason why this is here.

Mr. Blake: Right. When I see the community come together as they are doing, I am all for it, because that is just of the start. There are other things that the community can do that will better the life of everyone there.

Council Chair Rapozo: Teddy, at the end of the day, the County's focus and function will be anything that we acquire. The community gets involved, the volunteers get involved, and then when they go away, if they go away, the gateway project, really. There are many examples of that. We have to be cognizant if we say go forward, we are taking on that obligation and the commitment should the communities go away or the commitment level drops, and that is something as Councilmember Kawakami just said. We make that commitment and the Department of Parks & Recreation no longer can say, "No we cannot have the resources," because the County will give the resources.

Mr. Blake: It is like talking about erosion. It is going to happen.

Council Chair Rapozo: Two (2) feet a year.

Mr. Blake: So for us, we are going to have to suffer twenty-five (25) years without another place because of erosion, and even though there is erosion, I do not see the beachfront properties jumping in price. People still pay millions.

Council Chair Rapozo: That is alright. We can all have our picnic tables on the highway.

Mr. Blake: That is right.

Council Chair Rapozo: Or in the old days, when the car comes, stop and move the table back, let the car pass, and put the table back. Thank you, men and women. Ma'am, sorry for the delay.

PHOEBE ENG: Good afternoon, Councilmembers. My name is Phoebe Eng. I live in Waimea. I head the Kekaha Community Garden. I work with several community groups in both that capacity and many others, including my church. Anyway, it was very interesting listening to this whole discussion. My testimony is shot. It is like forget about it. I just came here because I do not want to go back to the west side and drive too long. I figured if I came out here, do not waste the gas money. So I just wanted to first thank you all for doing an amazing job. I watch you folks on the web. A lot of west siders do not come out here. I just know that you work really hard. I know this conversation is not easy, but it was really good. I have to say, it is great that you all disagree on a lot of things and it is hard, but it kind of comes to the right conclusion. Councilmember Yukimura, thank you for holding the line. Council Chair Rapozo, thank you for pushing back. It does end up with the right thing because you all expressed things that create the right solution and that is, I think, why everyone thinks Kaua'i is special. Thank you all, and thank you so much for the Planning Department and Public Access, Open Space, Natural Resources Preservation Fund Commission, because those people work hard, too. I go

to some of their meetings. They have not made an acquisition in a while, so I think it is time. I think some of the comments made about getting the appraisal and doing this right are very well-taken, but at the same time, the values of open space have to be balanced. If we really care about the open space values, then sometimes we need to make the arrangements for expediency. I think a lot of you, Councilmember Chock and Councilmember Kagawa as well, have said, "Let us move it forward. Let us realize there is a market involved," and that sometimes we need to take extra steps. Anyway, all of that is long-winded. I just wanted to tell you that I support this open space acquisition, but understand that there is a process involved. It is really important to understand that protecting the historic significance of this site is the main justification or the key justification for this particular purpose that differentiates itself from all the other purchases along that shoreline. So it is probably one of the most notable remaining evidences of early Chinese labor. I think Deputy Director Hull did a very good job of doing the history, so I am not even go into that anymore. Of course...

Council Chair Rapozo: I will just put your second three (3) minutes on so you can continue.

Ms. Eng: Oh, my three (3) minutes is gone already?

Council Chair Rapozo: Your first one, yes.

Ms. Eng: Okay. Are you going to give me a second chance?

Council Chair Rapozo: Two and a half (2½) minutes of that was just thanking us for doing a good job.

Ms. Eng: Okay. As long as I continue to thank you, I can talk forever. In any case, in matters pertaining to the decease, just like in Hawaiian culture, it is very, very important to proceed carefully with humble and quiet respect. This can actually be so much more if the project goes ahead. It can be a site not only for the respect of the departed for Chinese labor, but I think there has been very little attention just given generally, to the contributions of the plantation laborers of all ethnicities, and this can be an opportunity for the Westside to celebrate that just because there are still so many remaining families that still have a very recent history with plantation. They deserve more honor. Those laborers deserve more honor than they ever had in their lives while living. Going to your concerns about having the whole community represented in their needs for this parcel or any other, I would like you to know that I have discussed this project with the Land Trust. The Land Trust has a lot of experience of bringing communities together even though from the Kekaha Garden's standpoint, it would be best that the parcel remain a quiet site of contemplation for those who want to visit there and pay their respects, and that non-disturbance is the priority that also minimizes County liability, safety risks, and all kinds of costs. If the community wants something more, some entity like the Land Trust is an appropriate one. They have a lot of experience on this island and statewide in bringing together groups that want to *mālama*. I think that is all I am going to say. Thank you very much for your time.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Thank you for pointing out the historic value and the idea of non-disturbance. Would that be for both parts of the property, or do you see a compatible use for the vacant part?

Ms. Eng: Well, you are asking the question and I am only going to answer as a personal view. But I think if the parcel is purchased, it should be seen as a whole. It should not be seen as you take half, we take half.

Councilmember Yukimura: Okay.

Ms. Eng: It needs to be seen together, because if it is a historical preservation acquisition, it should be really centered on that purpose. So is that enough for your question?

Councilmember Yukimura: Yes. I guess, having a public hearing will be good. I think there was some discussion from others who were here earlier that picnic tables and someplace to enjoy the shoreline was also mentioned as a purpose. I am just wondering how that all fits in.

Ms. Eng: Yes, that is another proposal. I think that is something that can be discussed after you decide whether this is an appropriate acquisition. The Kekaha Garden would probably even withdraw coming in as its own. We really advocate a land trust approach to that parcel that it should not be for one (1) group's benefit, that somehow it has to be worked out that the use is for all. But also, that whole property is on the *makai* side.

Councilmember Yukimura: Right.

Ms. Eng: It has a big sand berm there.

Councilmember Yukimura: Right.

Ms. Eng: So it is not for access. There is an access already. Kikiaola Boat Harbor is only about one hundred fifty (150) feet away. So it really is something that the community has to be educated on. We all have to look at it together, and all decide together what the proper amount of respect and honor for the deceased is because it is a cemetery, and how much of it is about making it available to the community.

Councilmember Yukimura: So purchase the property and then maybe go through a community planning process, maybe using the Hawaiian Islands Land Trust (HILT) to facilitate that process and develop a community plan for it?

Ms. Eng: Yes. There are other groups such as the Trust for Public Lands and even policy Councils that do this work just as a facilitator. That

is beyond anything that I was planning on testifying on. I think it is not even the right time, personally speaking. It is something that can be worked out later.

Councilmember Yukimura: Yes. The process that I have learned and it is not the only way, of course.

Council Chair Rapozo: Do you have a question for her, Councilmember Yukimura? We are going to call the meeting back to order so we can have some discussion.

Councilmember Yukimura: Yes. In acquiring it, having an end use in mind, and having an end user or manager so that was my question about the end vision for the property.

Ms. Eng: Just to repeat, Hawai'i Island Land Trust did express active interest in participating in any way that was requested by the community or this Council.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you.

Ms. Eng: Thank you.

Council Chair Rapozo: I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? If not, the motion has been made. Roll call. I am sorry. Councilmember Chock.

Councilmember Chock: Real quick, Council Chair Rapozo. I want to thank the Commissioners for their hard work. I think we sometimes forget that they are volunteers. It is difficult things that we are asking them to accomplish, so I appreciate their time and also the Planning Department for helping to move this through, because it is true. We have not moved on these funds and I am a believer. If you do not use it, you lose it. I am really happy that we are finally moving on some things. Just in terms of the last speaker, the testimony, maybe a more formal request that I think there is some value and we have talked about it there past in terms of including the Trust for Public Lands and HILT to some of these acquisitions that we are talking about in terms of how it is that they can contribute and share in resources, which I think is really important to consider. I would like to see that happen. Thank you so much.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I, too, want to acknowledge the Commission and the Department, because this seems like a worthy piece for acquisition, and it

took work to get it here before us. The questions about the appraisal are not to delay the process and, in fact, I think doing appraisals upfront will expedite the process and will help us actually consummate the purchase if we can get there before other buyers do. So I think we are all learning, and I look forward to a more streamlined and effective process as we incorporate our learnings into the next proposals.

Council Chair Rapozo: Thank you. Is there any further discussion?
Councilmember Brun.

Councilmember Brun: No.

Council Chair Rapozo: Okay.

Councilmember Brun: I am going to say something I am going to regret later on.

Council Chair Rapozo: Roll call.

The motion for passage of Proposed Draft Bill (No. 2653) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: With that, there is no further business on the agenda.

Ms. Fountain-Tanigawa: Council Chair Rapozo, we have one (1) more Bill, Bill No. 2654.

Council Chair Rapozo: Okay. Alright, it is a formality. Thank God. Go ahead.

Proposed Draft Bill (No. 2654) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-813, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES

PRESERVATION FUND – CIP (*Kekaha Coastal Property, Tax Map Key No: (4) 1-2-013:041*): Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2654) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussions? Do we want to bring them back up for further discussion?

Councilmember Brun: We have questions.

Council Chair Rapozo: Roll call.

The motion for passage of Proposed Draft Bill (No. 2654) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 14, 2017, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*


Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Okay, with that, there is no further items on the agenda. This meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 4:13 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk